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A
LETTER
TO
AN ENGLISH LAYMAN,
ON
The Coronation Oath,
AND
HIS LATE MAJESTY'S CORRESPONDENCE
WITH LORD KENYON AND MR. PITT;
IN WHICH ARE CONSIDERED
THE SEVERAL OPINIONS OF MR. JEFFREY IN THE EDINBURGH
REVIEW, NO. XCI.—OF MR. DILLON, DR. MILNER,
AND MR. CHARLES BUTLER;
AND
THE APPLICATION OF THE WHOLE
TO
THE PRESENT CLAIMS OF THE ROMAN CATHOLICS
IN IRELAND.

BY
REV. HENRY PHILLPOTTS, D.D.
RECTOR OF STANHOPE.

LONDON:
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MDCCCXXVIII.

LETTER

TO

AN ENGLISH LAYMAN.

PRINCIPAL MATTERS

OF THE CONTROVERSY

THIS LITTLE MANUAL, THE CORRESPONDENCE
OF THE LAYMAN WITH THE CHURCH, IS THE

THE LAYMAN'S GUIDE TO THE CHURCH, AND
THE CHURCH'S GUIDE TO THE LAYMAN.

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PRINCIPAL MATTERS.

	Page.
1. The Church of England an essential part of the British Constitution	7
2. Forma Juramenti Regis Angl. in Coronatione suâ (Edw. II.)	14
Oath of Ed. VI.	18
James II.	19
Present Coronation Oath	21
3. King George III.'s interpretation of the Oath	24
4. Alterations made in this Oath at the Revolution	25
5. Security against Popery, the especial object at the Revolution	30
6. Another interpretation of the Oath	51
6. Mr. Jeffrey's attack on his late Majesty in the Edinburgh Review	54
7. Mr. Dillon, Essay on the Coronation Oath	74
8. The King as Legislator	76
9. The King as Legislator is bound by his Coronation Oath	84

10. Mr. Burke's Letter to Sir Hercules Langrishe . . .	102
11. Dr. Milner's "Case of Conscience."	107
12. Mr. C. Butler's Letter on the Coronation Oath . .	116
13. No pledge of Concession to Irish Roman Catholics given at the Union	136
14. Mr. Pitt's Letter to King George III.	146
15. Test devised by Mr. Burke	157
16. Authority of Lord Bacon—Lord Coke—Blackstone .	170
17. Lord Kenyon's interpretation of the Coronation Oath	173
18. Application of the preceding argument	176
19. Language and Conduct of Irish Roman Catholic Pre- lates	186
20. Claims of Roman Catholic Bishops in Ireland . . .	258
21. Power of Roman Catholic Bishops and Clergy over the Representation of Ireland	268
22. Case of the 40s. Freeholders.	274

APPENDIX.

A. (p. 55.) On Note in Edinburgh Review, No. LXXV.	293
B. (p. 96.) Calumnious Attack on King Charles I. in Edin- burgh Review, No. XCI.	297
C. (p. 141.) No Pledge of Concession given at the Union to the Irish Roman Catholics	303
D. (p. 233.) Dr. Mac Hale, Roman Catholic Coadjutor Bishop of Killala's Examination before the Commis- sioners of Education Inquiry in Ireland	314
E. (p. 242.) Nag's Head Fable respecting Archbishop Parker's Consecration	328

LETTER
ON
THE CORONATION OATH
TO
AN ENGLISH LAYMAN.

MY DEAR FRIEND,

I HAVE received your Letter, in which you thank me for giving to the world the interesting and valuable Correspondence of our late revered Sovereign with Lord Kenyon and Mr. Pitt. You need not, however, be told, that some of our common friends have doubted the expediency of that publication; while many of our opponents have affected to rejoice at it, as a measure decidedly favourable to their views. In particular, the British Roman Catholic Association, very soon after the correspondence appeared, passed a resolution to print and circulate it in an edition of their own;—a resolution, which, I am sorry to say, seems to be not yet carried into effect.—Mr. Charles Butler,

too, was induced to announce a new edition of his "Letter on the Coronation Oath;"—and lastly, a writer in the Edinburgh Review has put forth an article, entitled, "George III. and the Catholic Question," in which, with the usual accompaniment of sneers and sarcasms, I am thanked for "the very signal service I have done to the great cause of Catholic Emancipation," by this extraordinary instance of "indiscreet and unthinking zeal."

This formidable array of adverse judgments gives me, you will readily believe, very little concern. But as you, and some other of my friends, think it may be useful to expose the weakness of the grounds, on which these gentlemen build their opinion, I shall not decline the task proposed to me.

It can hardly, I hope, be necessary for me to assure you, in the outset, that I feel most strongly the delicate and solemn nature of the duty I incur, in thus venturing to comment on the obligation of my Sovereign's Oath. It is a subject, which, in itself, and under any circumstances, would demand from a religious mind, to be treated with the strictest and most scrupulous sincerity. But, if it were otherwise possible, in the heat of controversy, to forget this duty, the awful event, which has removed

for ever from the scene of our contention the ablest and most distinguished of all the individuals engaged in it, could hardly fail to recall us to better thoughts,—to admonish us, in a voice more eloquent even than his own, “ what shadows we are, and what shadows we pursue.”

Bear with me, I entreat you, for a very short space, while I do justice to myself, in speaking of the eminent person to whom I have here alluded. I have been accused, in a late number of the *Edinburgh Review*, of treating him with “scurrility;” a charge, which, without stooping to confute it, I fling back on the head of my accuser. Had I ever addressed to Mr. Canning any language, which a public man, on a public question, would have a right to complain of hearing,—much more, had I ever used towards him the smallest portion of that coarse and unmanly ribaldry, which this very *Review*,* as

* In the 74th Number of this *Review* is an elaborate article of 30 pages, entitled “ Mr. Canning and Reform,” founded on a collection, made by a country bookseller, of his *Speeches at his Elections for Liverpool*. To select all the gross and insulting passages, which this article contains, would be to transcribe a very large portion of it; but for one or two specimens I must find room.

It will perhaps be remembered that Mr. Canning, in addressing his late constituents, when about to sail for the government

often as it suited its factious purposes, delighted to heap upon him,—I should now feel, what it

of India, intimated his opinion, that it was desirable to compromise the Roman Catholic Question, rather than keep alive the discord attending its continued agitation. The reviewer characterizes this part of the speech as “advertising for the place” of Leader of the House of Commons, then vacant by the death of Lord Londonderry: “Tenacity of place,” he continues, “being to ‘public men,’ what tenacity of life is to reptiles. “Therefore, *the Catholic Question is got rid of* with very little “ceremony, in a passage which we will not cite, because it “varies materially from the first newspaper report of this “speech; and though either edition is *humiliating enough* “for Mr. Canning, and must be sufficiently grateful to the “Lord Chancellor and the Orange party, yet we might, by “giving the one, misrepresent him unfavourably; and by “adopting the other we might weaken the sort of *recantation* “which he unquestionably intended to make.” Again—“The “fear of reform, the love of our ancient order of things, could, “it seems, avail nothing, unless *place* was superadded to the “calls of duty: but the instant this graceful and convenient “union is formed, he is all ear to those claims to which he had “been so often and so obstinately deaf,—and *after ridding* “*himself of the Catholic Question*, he steps unencumbered into “his situation,” &c.—p. 388.

Once more: after charging him with wilful and “gross mis-
“representation of the Reformers,” and speaking of one “great
“source of our calamities being *the profligate conduct* of our
“statesmen, Mr. Canning among the number,” &c. “But
“what cares Mr. Canning for these things? He had a story
“to tell about a red lion, and he must make, if he could not

would perhaps be well for my accuser, if he himself were capable of feeling. As it is, no con-

“ find, a way to let it into his speech. We shall not extract
 “ this fable, as the reader has, in all probability, already seen
 “ it ; but we will remind its author of an old maxim connected
 “ with the subject of lions, the substance of which, though
 “ not in the same language, his new colleagues” (A. D. 1822)
 “ will, doubtless, oftentimes have in their minds during the
 “ limited period of their connexion with him .—

ὁν χρη λεοντος σκυμνον ἐν πολει τρεφειν,
 ἦν δ' εκτραφη τις, τοις τροποις ὑπηρετεῖν.

“ which may be thus shortly expressed ;—“ *If you choose to
 “ take up one of this breed, and make much of him, you must lay
 “ your account with having to bear with his tricks,*” (literally his
 “ “ tropes.”)—p. 404.

“ It is impossible to conclude this article, without expressing
 “ more distinctly, the astonishment with which we have been
 “ stricken at the *prodigious assurance* with which Mr. Canning
 “ ventures to treat the subject of the country’s distresses. His
 “ levity we say nothing more of ; but it required the evidence
 “ of our senses to make us believe, that any man in his situation
 “ could have the *audacity* to come forth and tell the ruined
 “ landowners of England, that the only thing he could recom-
 “ mend to them was patience. Patience enough, indeed, they
 “ had shown, before he had obtruded his advice ; and if they
 “ can endure that advice, they will prove that they have no
 “ need of it ; for to be patient under such an *outrage* is more
 “ hard than to bear all the other buffetings of their cruel for-
 “ tune. *He*, indeed, to tell them so ! and *in the body of the*
 “ *advertisement for the place which he has since gotten !* He to
 “ recommend patience as the only remedy ! the coadjutor of

sideration, not even the call of self-defence, shall prevail with me to violate the Sanctuary of the Tomb, or to recur to any parts of Mr. Canning's character or conduct, but those on which I can offer an honest, however humble, tribute of respect to his memory. His genius, his eloquence, all the best and noblest endowments of his highly-gifted mind, devoted by him to the service of his country, during the long period of her greatest danger ;—he himself ever foremost,

“ those ministers *whose blundering and profligate courses* have
 “ brought the landowners to ruin ! For which, of all the
 “ schemes that have sunk them to the earth, did not *this talker*
 “ support ? Which of all the men that have stript them of their
 “ revenues did not *this place-hunter* league with ? And when
 “ *he sees staring him in the face, the countless miseries which he has*
 “ *occasioned, he can coolly stop the current of his mirth, to give*
 “ *them a bit of serious advice*—it is all he can do *for* them, after
 “ what he has done *to* them. ‘Take my word for it (says he)
 “ we have undone you so completely, that no power on earth
 “ can mend your lot, and all you have for it, is to bear with
 “ patience what we have brought upon you.’ Such experiments
 “ upon the temper of the country could only be attempted in
 “ the present state of its representation ; and we may venture
 “ to foretel, that the House of Commons will practise the car-
 “ dinal virtue thus recommended to the landowners, in a man-
 “ ner as exemplary as Mr. Canning could desire. They will
 “ bear even *him*, and his gibes, and his counsels,—that is to say,
 “ as long as the court pleases.”—p. 407.

in office and out of office, in vindicating the righteousness of her cause, in cheering and sustaining the spirit of her gallant people, and elevating them to the level of the mighty exigence, on which their own freedom and the liberties of the world depended;—protecting, meanwhile, our Constitution at home from the wild projects of reckless innovation,—shaming and silencing, by his unequalled wit, those who were inaccessible to the reasoning of his lofty philosophy:—These great deservings, be the judgment of posterity on other matters what it may, will ensure to him a high and enduring place in the proudest record of England's glory.

His saltè m accumulem donis, et fungar inani
Munere.

But I will not longer delay addressing myself to the subject before me.

*The Church of England an essential part of the
British Constitution.*

Those who have inquired into the history of the British Constitution, will testify to the close connexion of civil and religious polity, which has ever subsisted in it. From the very earliest period, the monarchy of England has always pre-

sented itself, as a government which regards its subjects in the full dignity of their real nature, —as religious creatures ;—as beings, whose interests are not limited to this transitory scene, but reach onwards to an infinitely higher and more enduring state. Accordingly, instead of making religion the handmaid of civil policy, instead of adopting and endowing it, merely as an useful auxiliary to secure the submission of subjects, and give a new sanction to the authority of rulers, the English Lawgiver has always regarded Religion as having, by right, a paramount place and dignity in the great scheme of national polity. Hence it is, that the Gospel is reverently acknowledged to be part of the common law of the land. Hence, too, it is, that as the Gospel supposes all Christians to be members of the Church of Christ, and that Church to be a society under the government of certain rulers appointed by God himself to their high office,—the law of England, from the first conversion of this nation to the faith of Christ, not only has always recognized the State of England, inasmuch as it is a Christian State, to be also the particular Church of England ; but it has, by consequence, regarded the Governors of the Church as an essential part of this Christian State. Whatever may have been the

practice of other countries, and whatever may have been the language of private individuals even here, both the language, and the practice, of our law have been uniform and constant on this particular. In the words of the law itself;*

“ By divers sundry old authentic Histories and
“ Chronicles it is manifestly declared and expressed, that this Reàlm of England is an Empire, and so hath been accepted in the world,
“ governed by one supreme Head and King,
“ having the Dignity and Royal Estate of the
“ Imperial Crown of the same ; unto whom *a*
“ *Body Politick, compact of all Sorts and Degrees*
“ *of People, divided in terms, and by names of*
“ *Spirituality and Temporalty*, ben bounden and
“ owen to bear next to God, a natural and humble obedience.”—“When any cause of the Law
“ Divine happened to come in question, &c., *that*
“ *part of the said Body Politick called the Spirituality*
“ being sufficient and meet of itself to declare
“ and determine all such doubts, and to administer all such Offices and Duties, as to their
“ rooms spiritual doth appertain,”—“ and the
“ law temporal was and yet is administered by
“ sundry judges of that other part of the said
“ *Body Politick called the Temporalty.*”

* 24 Hen. VIII. c. 12.

To endow the Spirituality with temporal dignities, was no *essential* part of the duty of the Christian legislature: but in England, from the earliest times, “ the King’s most noble Progenitors, and the Antecessors of the Nobles of this Realm, have sufficiently endowed the said Church both with honours and possessions.”

“ Thus the Clergy,” to speak again in the language of the Law, 8 Eliz. c. 1., “ being one of the great States of the Realm,” have always been called to bear a distinguished part in the great Council of the Nation. In all the accounts which remain to us of the Mysel Synoth, the Great Assembly, or, as it was at other times called, Wittenagemote; the Assembly of the Wise Men of the Realm, we find the Bishops mentioned among its chief members. Ina, King of West Saxons, A. D. 702, caused the great Council of his Realm to be convened, consisting *ex episcopis, principibus, proceribus, &c.** Egbert, who united the Heptarchy into one Kingdom, assembled at London his *Bishops* and greatest Peers, *pro concilio capiendo adversus Danicos Piratas*. Canutus, on the death of Edmund Ironside, *omnes Episcopos et duces, necnon et principes cunctosque opti-*

* Spelman, p. 402.

mates gentis Angliæ Londoniæ congregari jussit. Edward the Confessor granted his charters to the Church of Westminster, *cum consilio et decreto Archiepiscoporum, Episcoporum, Comitum, aliorumque Optimatum*.

And it is particularly worthy of remark, that they had this their seat in the Parliament, or Great Council of the Realm, not by reason of the tenure of their temporal possessions, (for hitherto their lands were held by them in frank-almoigne,) but simply and merely as spiritual lords: so that even “the Guardians of the Spiritualties, in the times of vacancy,” as Selden* tells us, “and the Vicars-general of Bishops beyond sea,” had sometimes place and suffrage in the House of Lords, in the ages following.†

Meanwhile, the charters of our early sove-

* Titles of Honour, Selden’s Works, vol. iii. p. 748.

† After the conquest, a new title to these seats accrued to the Bishops by the change of the tenure of their lands from frank-almoigne to military tenure. But this, as we have seen, was not the foundation or origin of their seats, but only conferred a new right to them. Before, they sat *ratione officii*; thenceforward, both by right of office, and in respect of their possessions. And so plain is their right at common law to sit in the House of Lords, that when Henry VIII. erected six new Bishoprics, these new Bishops took their seats, without any Act of Parliament empowering them to do so, but simply by their common law right, *ratione officii*.

reigns are as precise in promising protection to the rights of the Church, as in assuring those of the temporalty. Thus the charter of Henry I., “Ego respectu Dei et amore quem erga vos
 “ omnes habeo, *Sanctam Dei Ecclesiam, imprimis liberam facio,*” &c.* That of Henry II.,
 “Sciatis me ad honorem Dei et Sanctæ Ecclesię, et pro communi emendatione totius
 “ regni mei, concessisse et reddidisse, &c. Quare
 “ volo et firmiter præcipio, quòd *sancta Ecclesia*, et omnes Comites et Barones, et omnes
 “ mei homines, omnes illas consuetudines et
 “ donationes, et libertates, et liberas consuetudines,” &c. The Magna Charta of King John,
 “Sciatis nos, &c. imprimis concessisse
 “ Deo, et hac præsentì Chartâ nostrâ confirmasse pro nobis et hæredibus nostris in
 “ perpetuum; quòd *Anglicana Ecclesia libera sit, et hæbeat jura sua integra, et libertates
 “ suas illæsas, et ita volumus observari, &c. Et
 “ de scutagiis assidendis summoneri faciemus
 “ Archiepiscopos, Episcopos, Abbates, Comites, et majores Barones regni sigillatim per
 “ teras nostras.”*

And, as their charters thus recognized the rights of the Church, so also (which more im-

* Wilkins, *Leges Anglo-Saxon.* p. 233.

mediately belongs to our present inquiry) did the *Oaths* which were taken by them at their coronation. Henry II. swore to preserve the liberty of the Church, and made to this effect a written promise to God, which he placed on the altar, for the purpose of binding himself more strongly.* Richard I. swore at his coronation, “quòd pacem, honorem, et reverentiam, omnibus diebus vitæ suæ portabit Deo et sanctæ Ecclesiæ et ejus ordinatis.”† John swore, “quòd sanctam Ecclesiam et ejus ordinatos diligeret, et eam ab incursione malignantium indemnem conservaret.”‡ Henry III.’s oath was conceived in similar terms.§ But, without seeking to ascertain the exact expressions in which every one, in succession, of our early princes swore to the maintenance and protection of the Church’s Rights, we find, at length, a fixed and regular form, in which all our kings, from Edward II. to Henry VIII. inclusive, pledged their faith to the Church and People of England.

* Wilkins, p. 318.

† Ib. 339.

‡ Ib. 353.

§ Ib. 381.

14 OATH TAKEN FROM EDW. II. TO HENRY VIII.

“FORMA JURAMENTI REGIS ANGL. IN CORONATIONE* SUA. (EDW. II.)

“*Si Rex fuerit literatus,† talis est.*

“ Archiepiscopus Cantuar. ad quem de jure et consuetudine Ecclesiæ Cant. antiq. et approbata, pertinet Reges Angliæ inungere et coronare, die Coronationis Regis, antequam Rex coronetur, faciet Regi interrogationes subscriptas.

“ Si leges et consuetudines, ab antiquis justis et Deo devotis Regibus plebi Anglorum concessas, cum Sacramenti confirmatione eidem plebi concedere et servare () et præsertim leges et consuetudines et libertates a glorioso Rege Edwardo Clero populoque concessas ?

“ Et respondeat Rex.—Concedo et servare volo, et sacramento confirmare.

“ Servabis Ecclesiæ Dei, Cleroque et Populo, pacem ex integro et concordiam in Deo, secundum vires tuas ?

“ Et respondeat Rex.—Servabo.

“ Facies fieri in omnibus judiciis æquam et rectam justitiam, et discretionem, in misericordia et veritate, secundum vires tuas ?

“ Et respondeat Rex.—Faciam.

“ Concedis justas leges et consuetudines esse tenendas, et promittis per te esse protegendas, et ad honorem Dei corroborandas, quas vulgus elegerit, secundum vires tuas ?

“ Concedo et promitto.”

* This is given in vol. i. p. 168, of Statutes, printed by the Royal Commissioners, 1806.

† *Si non fuerit literatus*, the same was administered in French.

This, I repeat, was the Oath taken by Henry VIII. Whether by any, and by what actions, he violated this Oath, is not a question, in which the honour of the reformed Church of England is at all involved. But I will remark in my way, that the Statutes by which he cast off the usurpations of the Pope, were certainly not in the number. This is not the place to prove, what has been often proved, and no where more clearly or triumphantly, than by Lord Coke,* that Henry's assertion of his right to Ecclesiastical supremacy was most properly and truly a resumption of the ancient legal and recognized right of the English crown. But it is observable, that in the Oath, which he had taken, particular mention is made of the laws of *Edward the Confessor*, as the measure of the ancient liberties of the Church and People of England. Now, in those laws, the office and duty of king are thus expressly set forth,† as they relate to the Church. “*Rex, quia vicarius summi‡ Regis est, ad hoc est constitutus ut*

* 5 Reports, Cowdrey's Case.

† Leges Edovardi, 17. De Regis Officio et de Jure et appendiciis Coronæ Regni Brytanniæ.

‡ How far this is consistent with the decree of the Council of Florence, respecting the Pope, I leave to those whom it may concern. It is worth remarking, that in the laws of Edward

“ regnum terrenum, et populum Domini, et
 “ super omnia *sanctam* veneretur *Ecclesiam ejus*,
 “ et *regat*, et ab injuriosis defendat, et maleficos
 “ ab eâ evellat, et destruat, et penitus disperdat.
 “ Illos decet vocari Reges, qui vigilantè de-
 “ fendunt et *regunt Ecclesiam Dei*, et populum
 “ ejus.” Again: “ Debet *sanctam Ecclesiam*
 “ regni sui, cum omni integritate et libertate,
 “ juxta constitutiones patrum et prædecessorum
 “ servare, fovere, manutenere, *regere*, et contra
 “ inimicos defendere.”

Henry's invasion of the property of the Church, however covered by legal forms, may admit of less easy justification. But this, I repeat, is not a matter, for which the reformed Church of England is, in any way, answerable. The heads of that Church have never justified it; but, on the contrary, one of the most distinguished of them, Archbishop Whitgift, thus boldly remonstrated with Queen Elizabeth, when she was inclined to follow her father's example, in laying violent hands on the property of the

the Confessor is given what professes to be an “ Epistle from
 “ Pope Eleutherius to Lucius, king of Britain, anno 169 a
 “ passione Christi,” and must, therefore, have been regarded
 as *very ancient in Edward's time*. In it the Pope says to the
 King, “ *Vicarius Dei estis in regno*.”—Wilkins, p. 201.

Church, and forcing the Incumbents to submit to iniquitous surrenders, or exchanges, of the possessions belonging to their Benefices. "They that consult Magna Charta,"* said the stout-hearted old man, "shall find, that as all your predecessors were at their Coronation, so you also were sworn before all the Nobility and Bishops then present, and in the presence of God, and, in his stead, to him that anointed you, *To maintain the Church lands, and the rights belonging to it:*"—"and, though I shall forbear speaking reproachfully of your father, consider, that, after the violation of those laws to which he had sworn in Magna Charta, God did so far deny him his restraining Grace, that, as King Saul, after he was forsaken of God, fell from one sin to another, so he, till he at last fell into greater sins than I am willing to mention."†

On the death of Henry VIII., it appears, from the Council Book, cited by Burnet,‡ not only that many of the ceremonies of the Coronation were altered, in order to accommodate them to

* He had sworn to Magna Charta inter "leges et consuetudines ab antiquis justis, et Deo devotis Regibus concessas."

† Collier's Eccles. Hist. ii. 685.

‡ H. R. vol. ii. App. p. 94.

the change of laws, but, also, that the Coronation Oath was in some small respects amended. It was taken by Edward VI. in the following form.

THE OATH OF EDWARD THE SIXTH.

(See Burnet, vol. ii. Coll. Rec. p. 94.)

Archbishop. Will you grant to the people of England, and others your realms and dominions, the laws and liberties of this realm and others your realms and dominions?

King. I grant and promise.

Archbishop. You shall keep, to your strength and power, to the Church of God, and to all the people, holy peace and concord.

King. I shall keep.

Archbishop. You shall make to be done, after your strength and power, equal and rightful justice in all your dooms and judgments, with mercy and truth.

King. I shall do.

Archbishop. Do you grant TO MAKE NO LAWS but such as shall be to the honour and glory of God, and to the good of the Commonwealth; and that the same shall be made by the consent of your people, as hath been accustomed?

King. I grant and promise.

"The King, laying his hand on the Book, shall say,

"The things which I have before promised, I shall

observe and keep. So God help me, and those holy Evangelists by me bodily touched upon this holy altar!"

Of the amendments here introduced, it is not necessary that I should at present say any thing; on the most important of them I shall have occasion to remark more particularly hereafter.

It should seem that Mary, having been crowned according to the ancient ceremonial, used the ancient form of the Coronation Oath, which (with one alteration introduced under James I.) appears to have been observed at the Coronation of every succeeding Sovereign, James II. included, whose Oath was in the following form.

KING JAMES II.'s CORONATION OATH.

(*Liber Regalis apud Decanum Westminst. and Sandford's Account of the Coronation.*)

Archbishop. Sir, Will you grant and keep, and by your oath confirm to the people of England, the laws and customs to them granted by the Kings of England, your lawful and religious predecessors; and, namely, the laws and customs and franchises granted to the Clergy by the glorious King St. Edward, your predecessor, according to the laws of God, the true pro-

fession of the Gospel established in this kingdom, and agreeing to the prerogative of the kings thereof, and the ancient custom of this realm?

“*King*. I promise and grant to keep them.

“*Archbishop*. Sir, Will you keep peace and godly agreement entirely according to your power, to the Holy Church, the Clergy, and the People?

“*King*. I will keep it.

“*Archbishop*. Will you to your power cause law, justice, and discretion, in mercy and truth, to be executed in all your judgments?

“*King*. I will.

“*Archbishop*. Sir, Will you grant to hold and keep the rightful customs which the commonalty of this your kingdom have; and will you defend and uphold them to the honour of God so much as in you lieth?

“*King*. I grant and promise so to do.

“*The Request, or Petition, of the Bishops*.

“*Bishops*. Our Lord and King, we beseech you to pardon, and to grant, and to preserve *unto us*, and the churches committed to our charge, all canonical privilege, and due law and justice: and that you will protect and defend us; as every good King in his kingdom ought to be Protector and Defender of the Bishops and Churches under *their* government.

“*King*. With a willing and devout heart I promise and grant you my pardon, and that I will preserve and maintain unto you and the Churches committed to your charge, all canonical privileges, and due law and justice: and that I will be your Protector and Defender to my

power, by the assistance of God, as every good King in his kingdom ought in right to protect and defend the Bishops and Churches, and their government.

“ Then the King arises out of his chair, and goeth to the altar, and there kneeleth upon the steps, and maketh a solemn oath, each in the sight of all that great assembly, to observe the promises; and, laying his hand upon the holy table, says,

“ These things which I have here before promised, I will perform and keep. So help me God, and the contents of this Book!”

PRESENT CORONATION OATH.

And thus we are arrived at the period when the present Oath was, after much deliberation, devised and established, to the right understanding of which, the view we have taken of the preceding forms will be found to afford some important assistance.

The following is the form of the Coronation Oath, as it now stands, in the terms prescribed by 1 William and Mary, c. 6.

“ The *Archbishop* or *Bishop* shall say,

“ Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the Statutes in Parliament agreed on, and the laws and customs of the same?

“The *King* and *Queen* shall say,

“I solemnly promise so to do.

“*Archbishop* or *Bishop*. Will you to your power cause law and justice, in mercy, to be executed in all your judgments?

“*King* and *Queen*. I will.

“*Archbishop* or *Bishop*. Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion established by law? And will you preserve unto the Bishops and Clergy of this realm, and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?

“*King* and *Queen*. All this I promise to do.

“After this the *King* and *Queen*, laying his and her hand upon the Holy Gospels, shall say,

“*King* and *Queen*. The things which I have heretofore promised, I will perform and keep. So help me God.”

A subsequent statute, 5 Ann, c. 8 (the Act of Union with Scotland), after reciting and confirming (s. 7) an Act made in contemplation of the Union, entituled, “An Act for securing the “Church of England, as by law established,” of which the following is an extract, “That an Act “made in the 13th year of Queen Elizabeth, intituled, ‘An Act for the Ministers of the Church “to be of sound Religion;’ and also another

“ Act made in the 13th year of King Charles
 “ II., intituled, ‘ An Act for the Uniformity of
 “ the Public Prayers,’ &c. and all and singular
 “ other* acts of Parliament, now in force for the
 “ establishment and preservation of the Church
 “ of England,”—“and the doctrine, worship, dis-
 “ cipline, and government thereof, shall remain
 “ and be in full force for ever;”—after reciting
 and confirming this statute, I repeat, the Act of
 Union thus proceeds (s. 8.), “And be it further
 “ enacted, that for ever hereafter every King or
 “ Queen succeeding and coming to the Royal
 “ Government of the kingdom of Great Britain,
 “ at his or her coronation, shall, in the presence
 “ of all persons who shall be attending, &c. take
 “ and subscribe an Oath to maintain and pre-
 “ serve *inviolably* the *said settlement* of the Church
 “ of England, and the doctrine, worship, dis-
 “ cipline, and government thereof, as by law
 “ established, within the kingdoms of England
 “ and *Ireland*, the dominion of Wales, and Town
 “ of Berwick upon Tweed, and the territories
 “ thereunto belonging.”

Now, as the Oath still continues to be taken only in the form prescribed by 1 William and

* Among which the laws requiring the *Oath of Supremacy*
 and the *Test against Popery* are expressly enumerated in Wil-
 liam’s first declaration.

Mary, c. 6, that form must, it is evident, be considered as including the full meaning expressly put upon it by the Act of Union; and the Sovereign must therefore understand himself, and be understood by others, to swear “ that
 “ he will, *to the utmost of his power*, maintain and
 “ preserve *inviolably*, within the kingdoms of
 “ England and *Ireland, the Protestant Reformed*
 “ *Religion established by Law*, and the settlement
 “ of the Church of England, (described in the
 “ Statute cited in the 7th section of the Act of
 “ Union,) and the Doctrine, Worship, Disci-
 “ pline, and Government thereof, as by Law
 “ established.”

Thus far there can be no pretence whatever for cavil or dispute. All must admit, that the obligation of the Oath extends as far, as the true meaning of these words shall be found to enjoin. But what that true meaning is, has been differently understood by different persons.

King George III.'s Interpretation of the Oath.

His late Majesty (whose judgment on this point will never be brought into discussion, without sentiments of heartfelt reverence, by any man who deserves the name of Englishman)—His late Majesty, together with other most respectable authorities, considered this

Oath as binding the Sovereign to refuse the Royal Assent to any Bill, though presented to him by both Houses of Parliament, which should violate what he conceived a fundamental maxim of the Constitution, namely, that “ the “ Church of England being the established “ Church, those who hold employments in the “ *State* must be members of it, and, conse- “ quently, must be obliged not only to take “ Oaths against Popery, but also to receive the “ Holy Communion, agreeably to the Rites of “ the Church of England.”*

Between a full and unqualified assent to this interpretation of the Oath, and the utter contempt of it, which has been recently expressed, there will perhaps be found some important shades of difference.

But in order to do justice to the question, and particularly to the view which His late Majesty took of it, we must look more particularly to the circumstances, under which the Oath was enacted.

Alterations made in the Coronation Oath at the Revolution.

And, first, the consideration that it was substituted for the form of Oath, which had been in substance used for so many ages, will lead to a

* Letters of King George III., &c. p. 37.

particular inquiry into the nature and spirit of the *alterations*, which were thus introduced.

The Coronation Oath, as I hardly need to remark, has always been regarded, though not as constituting, yet as recognizing, affirming, and sanctioning, “the original contract” (I speak the language of the Convention Parliament of 1688-9) “between King and People.” Any variation in its terms, therefore, deliberately introduced, must, it is apparent, be deserving of the gravest consideration. Now, an inspection of the new form of Oath, compared with that which it superseded, will shew, that it was not the *civil*, but the *religious*, interests of the State, which it was especially designed to strengthen. As far as regards the *civil* rights and liberties of the People, the new Oath, if a more condensed and pithy instrument, is, however, not a more strong and comprehensive one, than the former. But in the Clause which relates to the *Church*, it cannot escape observation, how much more powerful, as well as more clear, is the language of the new Oath. Instead of engaging, as before, to “grant, keep, and “confirm the laws, customs, and franchises “granted to the Clergy by King Edward the “Confessor, according to the Laws of God, “the true Profession of the Gospel established “in this Kingdom, and agreeing to the Prero-

“ gative of the Kings thereof, and the ancient
 “ custom of this Realm :”—the King is now re-
 quired to swear, “ That He will, *to the utmost*
 “ *of his power*, maintain the Laws of God, the
 “ true Profession of the Gospel, and *the Protes-*
 “ *tant Reformed Religion established by Law.*”

And, whatever conclusion may be drawn from the increased clearness and strength of the expressions in the new Oath on this point, acquires much greater force from the historical facts connected with its establishment. It was recent experience of the encroaching and dangerous spirit of the Church of Rome, and of the want of a plainer and more effectual security against its machinations, in the conscience of the Sovereign, that made the great men to whom we owe the restoration of our liberties, regard it as one of their first and most imperative duties “ *to amend the Coronation Oath.*” Accordingly, on the very day after the Throne was declared vacant by the abdication of James II. (January 29th, 1688-9), Sir Richard Temple* thus stated the three things essentially necessary to the resettling of the Government: 1. Security against encroachments upon Parliament, by providing for the certainty and frequency of holding its assemblies, and allowing no stand-

* Cobbett's Parl. Hist. v. p. 54.

ing army without its consent:—2. Security for the faithful administration of the Laws by giving salaries instead of fees to the Judges, and making their places to be held “during life:”

—3. *The Settlement of the Coronation Oath.*

Of these tria necessaria, the last, the subject of our present investigation, so early as the 28th of February, when nothing but the most urgent matters had been previously done, was referred to a Committee, with instructions “to inspect the Coronation Oath, and consider what alterations ought to be made therein.”*

This Committee, having sat several times, and being unable to come to a determination, the House, on the 25th of March, “resolved itself into a Committee of the whole House to take the same matter into their consideration;” and the result, after much discussion, was the modelling the Oath in the form in which it now stands; and which, I repeat, when

* Journals of Commons, 25^o die Februarii, 1 William and Mary. It is not unworthy of remark, that the “Act for establishing the Coronation Oath” stands the sixth in the Statutes of William and Mary, immediately after other most necessary and most urgent things, viz. : 1. the Act for removing all disputes concerning that Parliament. 2. For empowering his Majesty to apprehend persons conspiring against the Government. 3. For granting the King a present aid. 4. For reviving actions and process at Law, discontinued by the vacancy of the Crown. 5. The Mutiny Bill.

compared with the one hitherto taken, leaves it undeniably manifest, that the chief object, sought to be obtained by the alterations introduced into it, was *security against Popery*. So entirely was this the intention of men of every party in framing the Oath, and so completely did their object appear to all to be obtained, that the only questions in debate related to Protestant Dissenters, whether, and in what degree, the King might be precluded by the Oath, when he should have taken it, from giving to them that relief which he had promised, and which a large portion of members of both Houses of Parliament earnestly desired.

The following is the language of Mr. Hampden, jun. on the occasion: "As to religion, in some things the King swears positively to the true profession of the Gospel, that is, the Christian Religion, no latitude in that; and then comes to Christian Religion, *as it is against Popery; and this is the stress of all your Oath.*" Again, "*This Coronation Oath is the very touchstone and symbol of your Government.*"*

Need I strengthen the conclusion derived from this quarter, by reference to the other public and solemn transactions of the most im-

* Cobbett's Parl. Hist. v. p. 202.

portant epoch in the History of our Country? Need I prove to Englishmen, that it was the first and chiefest labour of the great Statesmen at the Revolution, not more to rescue our civil liberties from the encroachments of the Crown, than to protect our pure and Reformed Church against the recurrence of those dangers, from which it had so lately and so hardly escaped?

Mortifying as it is to feel the necessity, it must be felt and submitted to. One of the favourite paradoxes of this liberal age has been, that the misconduct of James, which led to the Revolution, was caused merely by his impatience of all restraint on the Royal Prerogative, not properly by his religion; that his religion was no more than an instrument employed by him in aid of his designs against the civil liberties of his subjects, not the dominant principle, which made it at once his duty and his glory, to trample on all their liberties, both civil and religious.

Security against Popery, the especial object at the Revolution.

Without entering into all the questions which this statement involves, it is enough for our present purpose to show, that the illustrious actors in that great emergence had a very different feeling of the dangers, which they

were to provide against. They, uniformly, in all their proceedings, testified their dread and abhorrence of the *religion* of James. It was “*Popery*,” no less than “*Slavery*,” that was the object of their jealous and vigilant precaution. They never deemed it a matter that could admit of doubt,—whatever be the contempt or ridicule with which it is the fashion of these days to treat the notion,—that “the British Constitution is essentially Protestant.” The kingdom itself they called “this Protestant kingdom,” and, in consequence, its king, they expressly voted, must be a Protestant;* not only so, he must “join in communion with the Protestant Church of England.”† All that bear offices of greatest trust in the State must be Protestant,—its judges must be Protestant,—its Parliament must be Protestant. In one word, the head, and all the great powers of the State, the legislative, the executive, the judicial, must be Protestant,—and yet there are men, who will gravely affect to question, whether the State itself be fundamentally and essentially Protestant.

* Resolved, “That it hath been found by experience, to be inconsistent with the safety and welfare of *this Protestant Kingdom*, to be governed by a Popish Prince.” Journals, H. C. Jan. 29, 1 W. & M.

† 12 and 13 W. III. c. 2.

It is true, that, by the liberal concessions of subsequent times, especially during the reign, and with the hearty concurrence, of our late truly tolerant King, much has been done to lighten the pressure of the restrictive laws on the Roman Catholics; but these concessions were uniformly made on the express ground, that they were not inconsistent with this fundamental principle of the British Constitution: and, if the effect of modern innovation has been, in any degree, to cast even a shadow of doubt upon it, the true friends of that Constitution, in its genuine purity, will need no stronger motive to resist every fresh application, however plausible, which would draw them still further from those old ways, in which alone it will be found safe to stand. Meanwhile, whatever be deemed of the Constitution at present, it ought, at least, to be acknowledged by every fair inquirer, that such it was under King William,—that such it was expressly designed to be by its great regenerators at the Revolution,—and that in contemplation of it, as such, was the oath in question devised and established by them.

I will hazard the appearance of trespassing unnecessarily on the patience of my readers, by proving this point a little more at large.

The argument, however unnecessary, is, at least, not irrelevant to the inquiry in which we are engaged.

The famous “Declaration” of the Prince of Orange, when he embarked on his glorious enterprise, opened in the following terms:—“It
 “is both certain and evident to all men, that
 “the public peace and happiness of any state
 “or kingdom cannot be preserved, where the
 “laws, liberties, and customs, established by
 “the lawful authority in it, are openly trans-
 “gressed and annulled; more especially where
 “the *alteration of Religion is endeavoured*, and
 “that a Religion, which is contrary to law, is
 “endeavoured to be introduced, upon which
 “those who are most immediately concerned
 “in it are indispensably bound to endeavour
 “to preserve and maintain the established laws,
 “liberties, and customs, and, *above all, the Re-*
 “*ligion and Worship of God*, that is established
 “among them; and to take such an effectual
 “care, that the inhabitants of the said state or
 “kingdom may neither be deprived of their re-
 “ligion, nor of their civil rights.” The same
 Declaration afterwards proceeds with particu-
 lar reference to the *Test Laws*; “It is also ma-
 “nifest and notorious, that, as his Majesty
 “(King James II.) was, upon his coming to

“ the crown, received and acknowledged by
“ all the subjects of England, Scotland, and
“ Ireland, as their King, without the least op-
“ position, though he made then open profes-
“ sion of the Popish Religion, so he did then
“ promise and solemnly swear at his Corona-
“ tion, that he would maintain his subjects in
“ the free enjoyment of their laws, rights, and
“ liberties; and in particular, that he would
“ maintain the Church of England, as it was
“ established by law. It is likewise certain,
“ that there have been, at divers and sundry
“ times, several *laws enacted for the preservation*
“ *of those rights and liberties, and of the Pro-*
“ *testant Religion*; and, among *other securities*,
“ it has been enacted, ‘ That all persons what-
“ soever, that are advanced to any ecclesias-
“ tical dignity, or to bear office in either uni-
“ versity, as likewise all others that should be
“ put in any employment, *civil* or military,
“ *should declare that they were not Papists*, but
“ were of the Protestant Religion, and that, by
“ their taking of the Oaths of Allegiance and
“ *Supremacy, and the Test* :’ yet these evil coun-
“ sellors have, in effect, annulled and abo-
“ lished all those laws, both with relation to
“ ecclesiastical and civil employments.”

It makes it one of the greatest grievances

complained of in the conduct of James's evil counsellors, that "they had tried the members
" of the last Parliament, *to gain them to consent*
" *to the Repeal of the Test and Penal Laws* ; and
" procured that Parliament to be dissolved,
" when they found that they could not, neither
" by promises nor threatenings, prevail with
" the members to comply with *their wicked*
" *designs.*" It subsequently thus states the
purpose of William's enterprise. "We now
" think fit to declare, that this our expedition
" is intended for no other design, but to have a
" free and lawful Parliament assembled as soon
" as possible ;"—"and that the Members of
" Parliament, being lawfully chosen, they shall
" meet and sit in full freedom, that so the two
" Houses may concur in the preparing of such
" laws, as they, upon full and free debate,
" shall judge necessary and convenient, *both for*
" *confirming and executing* THE LAW CONCERNING
" THE TEST, *and such other laws as are neces-*
" *sary for the security and maintenance of the*
" *Protestant Religion* ; as likewise for making
" such laws as may establish a good agreement
" between the Church of England and all Pro-
" testant Dissenters," &c. "And we, for our
" part, will concur in every thing that may
" preserve the peace and happiness of the na-

“ tion, which a free and lawful Parliament
 “ shall determine; since we have nothing be-
 “ fore our eyes, in this our undertaking, but
 “ *the preservation of the Protestant Religion*, the
 “ covering of all men from persecution for
 “ their consciences, and the securing to the
 “ whole nation the free enjoyment of their
 “ laws, rights, and liberties, under a just and
 “ legal government.” In conclusion of the
 whole, “ We will endeavour, by all possible
 “ means, to procure such an establishment in
 “ all the three kingdoms, that they may all
 “ live in a happy union and correspondence
 “ together; and that *the Protestant Religion*,
 “ and the peace, honour, and happiness of
 “ these nations *may be established upon lasting*
 “ *foundations.*”

Of this “ Declaration,” on so many accounts
 worthy of our close attention, it is more espe-
 cially to be observed, that it was the hinge on
 which the subsequent great transactions were
 made to turn; the principles and ends pro-
 claimed in it were referred to, as the guiding
 rule, the chart and compass, by which the
 vessel of the state was steered in safety through
 its perilous and obstructed course. Immedi-
 ately on its appearance, and in express appro-
 bation of the principles contained in it, more

than one public declaration was made, as well by the most distinguished individuals, as by numerous bodies of Englishmen. In particular, "the Nottingham Paper," subscribed by a great number of the nobility, gentry, &c. and published at that town, set forth, "That not
" being willing to deliver their posterity over
" to such a condition of *Popery* and slavery
" as their oppressions inevitably threatened,
" they would, to the utmost of their power,
" oppose the same, by joining with the Prince
" of Orange, for the recovery of their almost
" ruined laws, liberties, and *Religion*. And
" herein they hoped all good *Protestant* sub-
" jects would, with their lives and fortunes, be
" assistant to them, and not be bugbeared with
" the opprobrious term of rebels, by which the
" Court would fright them, to become perfect
" slaves to their tyrannical insolences and usur-
" pations. For they assured themselves, that
" no rational or unbiassed person could judge
" it rebellion to defend their *Laws* and *Religion*,
" which all English princes *have sworn at their*
" *coronation; which Oath, how well it had been*
" *observed of late, they desired a free Parliament*
" *might have the consideration of.*"*

* Cobbett's Parl. Hist. v. 17.

On James's withdrawing himself into France, the Lords Spiritual and Temporal, in and about London, thirty in number, met solemnly at Guildhall, and, sending for the Lord Mayor and Aldermen of the City, made a Declaration, of which the following is a part; " We doubt
" not but the world believes, that in this great
" and dangerous conjuncture, we are heartily
" and zealously concerned *for the Protestant*
" *Religion*, the laws of the land, and the liberties and properties of the subject. We cannot, without being wanting to our duty, be
" silent under these calamities, wherein *Popish*
" *Councils*, which so long prevailed, have miserably involved this realm. We do therefore unanimously resolve to apply ourselves
" to his Highness the Prince of Orange, who, with so great kindness to these kingdoms,
" such vast expense, and so much hazard to his own person, has undertaken, by endeavouring to procure a free Parliament, to rescue us, with as little effusion as possible of
" Christian blood, from the imminent danger
" of slavery and *Popery*. And we do hereby
" declare, that we will, with our best endeavours, assist his Highness in the obtaining
" such a Parliament with all speed, wherein
" our laws, our liberties, and properties may

“ be secured, and *the Church of England in particular*, with a due liberty to Protestant Dissenters.”

The City of London followed this Declaration with an address to the Prince, “ presenting their most humble thanks to him, particularly for appearing in arms for this kingdom, to carry on and perfect his glorious designs *to rescue these kingdoms from slavery and Popery*, and in a free Parliament to establish the *Religion*, and the laws and liberties of these kingdoms, *upon a sure and lasting foundation*,” and, in conclusion, earnestly beseeching him to repair to this city.”

On William's arrival at St. James's, December 21, the Lords Spiritual and Temporal, to the number of above sixty, appeared and assisted in a great council, to whom his Highness made this short speech:—“ My Lords, I have desired to meet you here to advise the best manner *how to pursue the ends of my Declaration* in calling a free Parliament *for the preservation of the Protestant Religion*, the restoring the rights and liberties of the kingdom, and settling the same, *that they may not be in danger of being again subverted*.”

The Lords, *after reading of the Prince's Declaration*, the better to consider the most effectual

means to obtain the ends of that declaration, resolved to assemble in their ancient House, where, four days afterwards, being ninety in number, they addressed the Prince, to take upon him the administration of the government till the meeting of the intended convention on the 22nd of January next ensuing.

The Commons, also, who had sat in the Parliament of Charles II., to the number of one hundred and sixty, assembled, on William's summons, at St. James's, and, having there heard from him a speech similar to that which he had delivered to the Peers, they repaired to their own House, and addressed him in the like manner, concluding in these words, "This we humbly
"offer to your Highness, as our best advice, in
"this exigency of affairs, *for attaining the ends*
"of your Highness's declaration, and as the best
"means tending to such an establishment, as
"that *our religion, laws, and liberties may not*
"be in danger of being again subverted."

The "Association," signed at Exeter, (and brought into the meeting of the Commons, 26th December, 1688,) pledged those who had subscribed it, "for the *defence of the Protestant religion*, and maintaining the ancient government, &c. never to depart from it, until their *Religion*, their laws, and their liberties should be

so far secured to them in a free Parliament, that they should be in no danger of falling under *Poper*y and slavery.”*

When the convention met, on January 22, William, in a letter to both Houses, thus admonished them. “It now lieth upon you to lay the foundation of *a firm security for your religion*, your laws, and your liberties. I do not doubt, but that by such a full and free representative of the nation, as is now met, *the ends of my declaration will be attained*.”†

The first important debate in the House of Commons, that on the State of the Nation, which occurred on the 28th of January, terminated in the ever-memorable resolution, “That King James the Second, having endeavoured to subvert the constitution of this kingdom, by breaking *the original contract* between King and People, and, by the advice of *Jesuits*, and other wicked persons, having *violated the fundamental laws*, and having withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby become vacant.” In the debate itself,

* See Journals of the House of Commons, 26th December, 1688.

† Ibid. 22nd January, 1688-9.

it is remarkable how large a stress is laid on the misconduct of James in respect to *Religion*. “*All he has done,*” says Sir Richard Temple, “*may be reduced to that head of the destruction of the Church, by suspending the ecclesiastical laws, to destroy all that will not comply with Popery.*”

“He dispensed with the statute of Provisors,” said Sir George Treby, “and the consequence was, the Pope sent a nuncio hither, and the consequence is, he declares, ‘he can no longer nor further treat with his people in Parliament.’ As soon as that is done, he assumes an inherent indispensable authority to vacate all our laws, dispense with the Act of Uniformity, and set up the Ecclesiastical commissions.” “It was the great argument in the Exclusion Bill, ‘what hurt can be done by a Romish king is in the royal office only: but it is impossible in the rest of the offices of the Government; for no Papist could come into them by law, *because of the tests.*’ This was the judgment of King James’s friends then, and *that* it was that preserved the crown to him.”

Mr. Somers. “He sent an ambassador to Rome, received a nuncio from thence, received a foreign jurisdiction, and *set up Romish Bishops in England, that the Popish religion*

“ *might intervene with the Government*, thereby
 “ to subject the nation to the Pope, as much as
 “ to a foreign Prince.”

Mr. Finch. “ This is of the highest conse-
 “ quence that ever any debate was here, for law
 “ and *Religion to be established sure and firm.*
 “ However we may weather it, posterity may
 “ curse our memory in after-ages if we fail in
 “ this weighty matter.”

Sir Robert Howard. “ The constitution of the
 “ Government is actually grounded upon pact
 “ and covenant with the people. If this be so,
 “ what remains but that the King has made
 “ abdication of the Government, and at one
 “ time has lopped off *both Church and State.*
 “ Could he have compassed ‘ liberty of con-
 “ ‘ science,’* he would have cut off *Church and*
 “ *State at one stroke, and settled Popery.*”

Sir Henry Capel. “ *Popery and a Protestant*
 “ *Government are inconsistent.*”

On the following day, after the resolution,
 “ That it hath been found, by experience, to
 “ be inconsistent with the safety and welfare of

* I need scarcely say, that this refers to James’s “ De-
 “ claration for Liberty of Conscience,” the architype of the
 present proceeding of the Roman Catholics of Ireland, on pre-
 tence of the same principle.

“ *this Protestant kingdom*, to be governed by a “ Popish Prince,” a debate ensued, which ended in the following vote: “ That, before the Committee proceed to fill the throne, now vacant, “ they will proceed to *secure our religion, laws, “ and liberties ;*” and this was followed by appointing a Committee to “ bring in general “ heads of such things as are absolutely necessary for securing the laws and liberties of the “ nation.” It was in the course of this debate that *Sir Richard Temple* delivered his judgment, as I have stated above, on the three things necessary to this great end, the third of which was the settling “ the Coronation Oath.” “ Pursue,” said he, “ *the end of the Prince’s declaration* with “ some such securities as I have mentioned, “ that these things may be taken care of, to “ recommend to posterity what you have done “ for them.”

In the discussion which ensued at a free conference between the Lords and Commons on the word “ abdicated,” in the resolution of the Commons, which, it will be remembered, the Lords at first refused to assent to, *Mr. Somers* urged that King James, by going about to subvert the constitution, by *breaking the original contract between King and People*, and by violating the fundamental laws, hath renounced to

be a king according to the law, *such a king as he swore to be at his coronation, such a king to whom the allegiance of an English subject is due.**

Sir Robert Howard, in the same conference, on declaring the throne to be vacant, thus addresses the Lords, “ *Have you not concurred with us in our vote, That it is inconsistent with our religion and our laws to have a Papist to reign over us? Must we not come then to an election, if the next heir be a Papist? Nay, suppose there were no Protestant heir at all to be found, would not your Lordships then break the line?*”

The next great act of this convention was framing, and presenting to William, the Declaration of Rights, on February 12, in which, first stating the misconduct by which James had abdicated the throne, reciting *as the head and sum of all*, that “ He did endeavour to

* Upon this the Earl of Clarendon observed, “ I would take notice that his obligation thereunto doth not proceed from his Coronation Oath; for our law says he is as much king before he is crowned as he is afterwards; and there is a natural allegiance due to him from the subjects immediately upon the descent of the crown upon him. And though it is a very requisite ceremony, to put him under a further obligation by the conscience of his Oath, yet it cannot be denied, I think, but that, as King, he was bound to observe the laws before; and nobody will make that Oath to be the original contract, as I suppose.”

“ *subvert and extirpate the Protestant religion,*
“ and the laws and liberties of this kingdom ;”
reciting further, that the throne being thereby
become vacant, his Highness the Prince of
Orange did (by the advice of the Lords spiritual
and temporal, and divers principal persons of
the Commons) cause letters to be written to
the Lords spiritual and temporal, *being Pro-*
testants, and other letters to the several counties,
cities, &c. for the choosing of such persons to
represent them, as were of right to be sent to
Parliament, to meet and sit at Westminster
upon the 22nd day of January, 1688 (1688-9),
in order to such an establishment, as that their reli-
gion, laws, and liberties might not again be in
danger of being subverted. And thereupon the
Lords spiritual and temporal, and Commons,
being now assembled in a full and free repre-
sentative of this nation, taking into their most
serious consideration the best means for attain-
ing the ends aforesaid, do, in the first place, for
vindicating and asserting their ancient rights
and liberties, declare, &c. To which demand
of their rights they are particularly encouraged
by the declaration of his Highness the Prince of
Orange, as being the only means for obtaining
a full redress and remedy therein. Having,
therefore, an entire confidence that his said

Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and *from all other attempts upon their Religion*, rights, and liberties; the said Lords spiritual and temporal, and Commons, do resolve, “ That William and Mary, Prince and Princess of Orange, be, and be declared King and Queen of England,” &c.

The next day William and Mary were publicly proclaimed, the proclamation commencing with these memorable words, “ Whereas it hath pleased Almighty God in his great mercy to this kingdom to vouchsafe us a miraculous deliverance from *Popery* and arbitrary power; and that our preservation is due, next under God, to the resolution and conduct of his Highness the Prince of Orange, whom God hath chosen to be the glorious Instrument of such an inestimable happiness to us and our posterity,” &c. and being highly sensible and fully persuaded of the great and eminent virtue of her Highness the Princess of Orange, *whose zeal for the Protestant Religion* will, no doubt, bring a blessing along with her upon this nation,” (so resolute were they to mark their preference of religion, even over the

claim of propinquity of blood,) “ we, therefore,
 “ the Lords Spiritual and Temporal, and Com-
 “ mons, together with the Lord Mayor and Ci-
 “ tizens of London, and others of the Commons
 “ of this realm, do with full consent publish
 “ and proclaim William and Mary, Prince and
 “ Princess of Orange, to be King and Queen of
 “ England.”

The throne being now full, and the conven-
 tion having been voted a Parliament, one of the
 first things done by the House of Commons,
 after attending to the most pressing exigencies
 of the government, was, as I have said before,
 “ to inspect the Coronation-Oath, and consider
 “ what alterations or amendments were fit to be
 “ made therein.”

On the very day * on which the Royal As-
 sent was given to the Bill for establishing the
 amended Oath, a Committee was appointed “ to
 “ prepare an address of thanks to His Majesty
 “ *for his gracious declaration to maintain the*
 “ *Church of England by law established.*” The
 Lords concurred in the same address,† which,
 after having largely praised the Church for “ *its*
 “ *zeal against Popery,*” as well as for “ *its loy-*

* See Journals of the House of Commons, 9th April, 1689.

† Id. 13th April.

“ alty,”—ascribing the misfortunes of the late reign to “ the endeavours that were used to “ subvert it,”—proceeded, as follows;—“ We, “ therefore, humbly pray, your Majesty will be “ graciously pleased to continue your care for “ the preservation of the same, whereby you “ will effectually establish your throne, by se- “ curing the hearts of your Majesty’s subjects “ within these your realms; who can *no way “ better show their zeal for your service, than by a “ firm adherence to that Church, whose constitution “ is best suited to the support of this monarchy.*”

On the 11th of April the ceremony of the Coronation took place, and the House of Commons attended on the next day to congratulate their Majesties on the occasion, when the Speaker * addressed them (after a complimentary exordium) in the following terms, comprising the substance of the whole :

“ We are all sensible, that your Majesties’ “ greatness is the security of your subjects. It “ is from your power that we derive to ourselves “ an assurance of being defended from our ene- “ mies; and from your justice, that we expect “ a full enjoyment of our laws and liberties : “ But *that which completes our happiness is, the*

* The House adopted the sentiments of the Speech as their own, and desired him “ to print the same.”—Journals of the House of Commons, 14th April.

“ experience we have of *your Majesties’ continual*
 “ *care to maintain the Protestant Religion*; so
 “ that we can no longer apprehend any danger
 “ of being deprived of *that inestimable blessing*,
 “ either by secret practices, or by open vio-
 “ lence.”

Here we have an express acknowledgment, that *the maintenance of the Protestant Religion* was the first object of the statesmen of that day; and connecting this acknowledgment with the occasion, on which it was made, and the plain allusion to the Oath their Majesties had just taken, we cannot doubt that the intention of the legislature, which imposed that Oath, was thereby to bind the sovereigns of this realm, by the strongest ties of religion and conscience, to the perpetual maintenance of the Protestant Church of England.*

Taking, then, these things together, the Declaration of William, which was, I repeat, uniformly recognised as the foundation of all subsequent proceedings,—the stress put in that Declaration on the Test Laws against Popery,—the determined spirit evinced by the King

* Ralph, Hist. Eng. ii. 71. tells us, on the authority of the author of “Caveat against the Whigs,” that William himself had testified an unwillingness to swear to maintain the Church of *England*. This unwillingness of his, and the suspicious conduct of the Dissenting Interest in the House of Commons, induced the friends of the Church, who were the majority, to take care to make the matter sure. See below; note p. 101.

and the Parliament, in conformity with it in all their acts, particularly in the modelling and enacting the Coronation Oath,—lastly the Statute of Union, reciting and confirming the “Act for securing the Church of England as by law established,” (which Act in terms provided, “that all and singular Acts of Parliament now in force, for the establishment and preservation of the Church of England,” among them of course the Oath of Supremacy and the Test Act, “shall remain and be in full force for ever,”) and further enacting, “that the Sovereign shall at his Coronation take and subscribe an oath to maintain and preserve inviolably the *said settlement* of the Church of England,”——taking, I say, these things together, I cannot be surprised that a Prince, most anxiously alive to every conscientious objection, should, as our late Sovereign did, consider himself absolutely and specifically bound, by his Coronation Oath, to reject every proposition for repealing the Test Laws.

Another Interpretation of the Oath.

I have, already, in a former publication,* pre-

* “Short Letter to Mr. Canning,” pp. 20, 21: where the same opinion is somewhat differently expressed. It was in consequence of reading that passage, that Lord Kenyon was pleased to confide to me the Letters which have given occasion to the present publication.

sumed to express an opinion, that the proper construction of that oath may not carry the matter quite so far; and I scruple not to repeat it in substance here. The oath taken by the King is a purely personal act; it is an act between himself and God,*—one in which *his own conscience* is concerned, and on which he must decide according to that conscience, not according to the judgment or advice of others, however he may think fit to consult with others for the purpose of informing or satisfying himself. Without contending, and without thinking, that the repeal of any particular statute is *specifically* forbidden by that oath, it is not too much to say, that every act whatever is by implication forbidden, which appears to the conscience of the Sovereign to be at variance with one of the great and expressed objects of the oath, namely, “that he will maintain, *to the utmost of his power*, the laws of God, the true
 “profession of the Gospel, and the Protestant
 “Reformed Religion established by law, and
 “will also maintain and preserve *inviolably* the
 “Settlement of the Church of England, the
 “doctrine, worship, discipline, and government
 “thereof, and all the rights and privileges which

* That is, (as I scarcely need to explain) inasmuch as it is an *Oath*, inasmuch as it is a *promise*, those to whom the promise is made, are a party to the act.

“ belong by law to the Bishops and Clergy
“ of the same, both in England and in *Ireland*.”

Less than this, I venture to submit, cannot be stated on just grounds, as the real meaning of the Oath; accordingly, whether any measures proposed for the relief of the Roman Catholics or of Protestant Dissenters,—the repeal, for instance, of the Acts against Popery, or the repeal of the Test and Corporation Acts,—may be assented to with a safe conscience by the Sovereign, must depend on *his own personal conviction* of the tendency of such measures, in respect to the established Church and Religion of the country.

That this construction of the Oath has had the sanction of the deliberate judgment of the late Lord Kenyon—a judge, who, on such a question of law and conscience, has scarcely had an equal since the days of Sir Matthew Hale—cannot but greatly confirm the confidence with which I again adduce it. “ It seems
“ to me,”* says that venerable authority, “ that
“ the judgment of the person who takes the
“ Coronation Oath must determine, whether any
“ particular statute proposed does destroy the
“ government of the Established Church. It
“ seems that the Oath, couched in the general
“ terms in which it is found, does not preclude

* Letters, &c. p. 26.

“ the party sworn from exercising a judgment,
“ whether *that which he is bound to maintain* will
“ be essentially, or in a great degree, affected
“ by the proposed measure.”

*Mr. Jeffrey's attack on his late Majesty in the
Edinburgh Review.*

It is true, that in the article of the Edinburgh Review, on the Correspondence of King George III. with Lord Kenyon* on this subject, the Reviewer thinks proper to dispose at once of all the argument, as well as the authority, of that great Judge, by one single pert intimation,—that his Lordship knew not how to *spell*,—because, forsooth, being an old-fashioned man, he preferred the old-fashioned *supream* to its more modern, and, it may be, more correct form, *supreme*. Now, really, when one considers who Lord Kenyon was, and who Mr. Jeffrey is, (for I shall not scruple to treat Mr. Jeffrey as the Reviewer,) at what an immeasurable distance the one name stands above the other,—it does require some effort of patience and forbearance, not to have recourse to part of Mr. J.'s own vocabulary on this occasion, and to talk a little of “audacity” and “prodigious assurance.”

I have said that I shall not scruple to treat

* Ed. Rev. No. 91, p. 164.

Mr. Jeffrey as the Reviewer, and I will state at once, why I choose to address myself to him in person, rather than hold communication with any of his brethren in masquerade.

I had occasion, some years ago, to charge one of these personages with wilful mis-statement of what I had written in a tract, which he professed to review; he submitted in silence to that charge; and I then resolved never again to trouble myself with these incognitos, but to hold the editor responsible for every thing offensive which might appear in his Review. Accordingly, having been afterwards again insulted and calumniated, I addressed Mr. Jeffrey himself, and extorted from him the following very satisfactory avowal:—"that he *"merely superintended or sanctioned the publication,"* and, therefore, *"though he might have been legally responsible, he is really at a loss to understand how he could be deemed morally or individually blameable:"**—In other words, that he has hired himself out to a bookseller, to be the midwife and the nurse to every unfathered brood of calumnies, which the malice of his faction shall engender. A person who places himself so very low in the scale of moral

* "Note on Dr. Phillpotts," Ed. Rev. No. 75. In consequence of this "Note," I addressed to Mr. Jeffrey what will be found in App. Note A.

feeling, cannot insult me;* and to any thing he may ever again say on any concern of mine, I shall answer in the only way, in which, it seems, his conscience is accessible,—through my lawyer, a channel of communication, to which, he may be glad to hear, I shall not easily be induced to have recourse.

But, in the present instance, there is a duty incumbent on me, quite distinct from all personal considerations. I have been the instrument of giving to the world letters written by King George the Third, which, having been attacked by Mr. Jeffrey, with a vulgar malignity, unexampled even in the literature of these days, it is my bounden duty to defend. By Mr. Jeffrey, I repeat, they have been attacked; for, whether he be the original author, or not, as he “superintended and sanctioned” the attack, as he, after reading the nauseous production of his brother reviewer, coolly and deliberately affixed his official fiat for its publication, he is in every way, in which the case

* In his Article on “George III. and the Catholic Question,” No. 91. p. 165. he broadly insinuates, that I am “an expectant Beneficiary, who come forth with posthumous adulation, or, *under pretence of paying tribute to the memory of the departed Prince, fawn upon the living Prelate, and pursue my calling, at the risk of even vilifying the reigning Monarch, and his chosen advisers.*”

can be considered, legal and moral, literary and honourable, completely "*particeps criminis*."

Besides, Mr. Jeffrey is a lawyer—among the most eminent in professional reputation at Edinburgh, and often called to London to plead at the bar of the highest Court of Judicature in the Empire. He professes even to be something more than a mere lawyer of the Courts: he claims to understand the British Constitution—to watch over its interests with a most jealous eye—and to instruct and enlighten his readers in its hidden excellencies, and, above all, in its many secret defects. Now, such a man cannot have permitted an article, on one of the most important chapters of constitutional law, to enter into his journal, without his full approbation and concurrence. On all these accounts, therefore, there is more than common fitness in treating Mr. Jeffrey as, in fact, the reviewer—and, I trust, that when next he comes to this metropolis, he will come blazoned in all the conscious dignity, which must attach to that character. He will present himself to his admiring hearers, as one, who, calling himself a Briton, could yet find a gratification in insulting the memory of the Father of his people—as one, who could lift the hoof of brutal insolence against the dead lion of the House of Brunswick—as one, who could avail

himself (as he hoped) of a miserable disguise to outrage the feelings of this whole nation towards a King, beloved, honoured, and lamented, like George the Third. This shall be his high distinction; and, if in the scorn of every truly English mind he can find nothing to abash or disconcert him, his sensibilities shall yet be excited; for I will make him feel, that the publication, which he has dared to put forth, is as unfounded in principle, and as contemptible in argument, as it is loathsome and detestable in spirit.

To that easy, but odious duty, I shall now address myself—and I call on Mr. Jeffrey, if he has the spirit of a man, either to admit his fault, or to add to his other darings the harder and bolder task of defending what he has dared to do.*

The King, in one of his Letters to Mr. Pitt, had said that he considered the Coronation Oath as a religious obligation on him to maintain the fundamental maxims of the Constitution, namely, that, the Church of England being the established one, those who hold employ-

* A rumour having prevailed in Edinburgh, and elsewhere, that Mr. Brougham is the author of the article in question, I feel it right to say, that I know, on unquestionable authority, that this rumour is unfounded.

ments in the State must be members of it, and consequently obliged not only to take oaths against Popery, but to receive the Holy Communion, agreeably to the rites of the Church of England. He adds, that this opinion was not formed on the moment, but had been imbibed by him for forty years.* We have already seen the grounds on which His Majesty's opinion rested; and whether it be fully assented to, or not, no candid person will deny, that there was great apparent foundation for it.

Mr. Jeffrey, however, with the folly, as well as malice, of a true Thersites, is pleased to charge His Majesty, in very plain terms, for expressing these sentiments, with the alternative either of falsehood or of dotage. "It is quite impossible," says he, "that one *having all his faculties* about him, could write this, with *the regard to truth*, which the late King has been so much praised for." To prove this charge he proceeds as follows. "To say nothing of the *Forty Indemnity Bills* which he had made Acts, how came he to pass the Irish Acts of 1778 and 1793, which took off *infinitely more restrictions* from the Catholics, *than they left behind them?*"

Mr. Jeffrey knows quite well, what is the nature of an Indemnity Act, and he has probably looked into one of those of which he is speak-

* Letters, &c. 37—39.

ing. He must know, therefore, that there is nothing whatever in such an Act, at variance with the principle which his Majesty professed;—that so far from it, a Bill of Indemnity proceeds on the very principle of recognising the binding character of the Law, which has been violated, though it excuse the violation in consideration of the special circumstances of the occasion. As far, therefore, as the Indemnity Acts are concerned, it is quite plain, that Mr. Jeffrey has made this indecent charge absolutely without a particle of ground on which to sustain it.

But he speaks further of the Irish Acts of 1778 and 1793, saying that His Majesty could not with truth, if he were in his senses, assert that he had the view he professes of his Coronation Oath, when he assented to them. Did Mr. Jeffrey ever look into these Statutes? The first of them, I am bound in charity to believe, that he never so much as saw. For if he had seen it, he could not have had the effrontery to affect to adduce it in derogation of his Majesty's honour. That Act enables Papists, on taking certain oaths, to enjoy *the rights of property* on the same footing as their Protestant fellow-subjects. What is there in this at variance with his Majesty's principle, of maintaining it as a fundamental maxim of

the Constitution, that those who hold employments in the State must be members of the Established Church?

There remains the statute of 1793. And what are the provisions of that Act? Why, that Roman Catholics may hold “all offices “civil and military,” *except those which are properly, and according to all reasonable construction, “employments in the State,”—from these they are, by that very statute, expressly excluded.*

Let my readers now look back to the insolent charge brought by Mr. Jeffrey against this prince, who, beyond all who ever sat before him on the British throne, deserved and acquired the glorious title of a Patriot King, and then let them assign to his calumniator that measure of indignation which their own feelings will dictate.

But Mr. Jeffrey is not satisfied with reviling the late King; he must also give us his notion of what is the duty of all kings, in the very delicate matter of informing their own conscience, in a case in which their own conscience alone is responsible; and the result is, that the sovereign must, in fact, have no conscience at all. He must consider himself as degraded from the rank of a moral and accountable creature, and must submit to be directed

in all his sentiments, even of religious duty, by his cabinet for the time being. This is really the sum and substance of Mr. Jeffrey's opinion, though he has thought fit to express it in the following very peculiar terms :—"We much "question the fairness, if not the constitutionality, of secretly consulting a chief justice, "and an attorney-general, instead of a cabinet "minister, *upon the policy to be pursued in a great "question of State.*" Mr. Jeffrey is no fool; he knows as well as any man, that the point on which the King consulted Lord Kenyon, was nothing like what he has thought proper here to state it. He knows, that his Majesty did not, on this occasion, consult his chief justice on any matter of State at all, but on a previous question, which, whatever may be Mr. J.'s sentiments upon it, appeared to George III., and, thank God, appears to George IV., infinitely more important to him than any matter of State whatever. His previous question was, whether, if a measure which had been, in fact, *rejected* by his cabinet at that particular time,* should ever hereafter be proposed to him, he, the King, was not so bound by his Coronation Oath, that he must give his

* It was not revived during the next six years.

decided negative to it? This, I say, was the point on which Lord Kenyon was consulted; it was a point of conscience; and on it the King, with perfect “fairness,” and perfect “constitutionality,” might have consulted any person whatsoever,—Mr. Jeffrey, if he had pleased. If it were not so, what a puppet would the King of England be! what a slave amidst the surrounding liberty of his free-born subjects! a slave in the tenderest and most momentous of all concerns! Literally, his very soul would not be his own, but would be held at the arbitrary will of the minister of the day.

But suppose the question were, what Mr. Jeffrey states it to be, a question of State policy, is he so ignorant of the British Constitution as to assert, or does he think the rest of the world so ignorant of it as to believe, that it is unfair or unconstitutional for the King of England to consult the chief justice of England, and to demand from him a *written* opinion (thus making him formally responsible for his opinion) on a question of State intimately connected with constitutional law,—that chief justice being a peer of the realm, (and, as such, called by his very patent to advise his Majesty in the arduous concerns of the realm,) and one of his sworn privy-councillors? “Yes,”

says Mr. J., “unless the same chief justice, “peer, and privy-councillor, be also a cabinet “minister.” I will not condescend to answer such an assertion, but will send him who makes it, if he is honest in making it, to learn better what the Constitution of England is, before he presumes thus to read lectures on it to his sovereign. Meanwhile, it can hardly be necessary to remind him, that somewhat more than twenty years ago, it was a matter of grave discussion in both Houses of Parliament, whether it was consistent with the spirit of the Constitution, however it might be justified by the letter, for the chief justice to be a member of the cabinet at all. In the course of that discussion, which was handled (among others) by men to whom it would not be derogatory to Mr. Jeffrey, and his whole fraternity of Reviewers, to look up with some deference and respect,—in the course of that discussion, I repeat, never once was any thing so preposterous asserted, or even imagined, as this newly-discovered maxim (which, however, if true, would have been conclusive of the whole question,) that a chief justice may not be consulted by his sovereign at all, unless he be first made a cabinet minister. What was the language of Mr. Fox on that occasion? “I have

“ always held, and still hold, that a *Cabinet Council* is unknown to our law ;” *—and, in order that Mr. Jeffrey may not ride off on the distinction suggested by the word *Law*, I will add another dictum of the same statesman :—“ In point of fact, there is nothing in our CONSTITUTION which recognises any such institution as a Cabinet Council.” But Mr. Fox’s language went still further, and was still more conclusive in settling the present point. “ Where no personal objections are, or can be, stated, one must hear it recommended with astonishment, that a class of officers, who are admitted to be perfectly eligible to the Privy Council, should not be allowed to *discharge the duties of a Privy Councillor*, should, in fact, *be excluded from the performance of duties, which, on their admission to the Privy Council, they are sworn to perform.*”

In truth, if any cabinet should dare to exercise the right, which Mr. Jeffrey claims for them,—that of excluding from the royal closet any peer of the realm who has demanded an audience of his sovereign, much more who has been required by the sovereign to advise

* Hansard’s Debates, vol. vi. p. 309.

him,—they would incur the guilt for which (*inter alia*) the two Spencers, in Edward II.'s time, were impeached and banished the kingdom, viz.:—"That they, by their evil coven, " would not suffer the great men of the realm, " the king's good counsellors, to speak with " the king, or to come near him; but only in " the presence of the said Hugh the father, and " Hugh the son, or one of them, and at their " will, and according to such things as pleased " them."*

So much for this very shallow person's knowledge of the Constitution: so much for his qualifications to set up as "*Schoolmaster* " *with his Primer*" for the instruction of kings.

I have next to remark on what he is pleased to say of my having selected a period, when the late King's reason was clouded, for "trying his " intellects in conflict with those of Mr. Pitt."

Mr. Jeffrey, here, too, knows that there is not the smallest shadow of reason for the assertion he has found it convenient to make; he knows, that there was, in this case, no "trying of intellects in conflict" one with another; for he knows, that the parties were speaking to two very different points; that

* 1 Blackstone, p. 229.

Mr. Pitt addressed to his Majesty a statement (a most able and most exquisitely written statement) of his views of the expediency of conceding to the Roman Catholics a full and equal share of all the powers of the state, (under certain most important conditions, of which I shall have more to say hereafter,) while his Majesty, in answer, *expressly* waves all discussion of Mr. Pitt's question, and tells him at once, that he is *precluded* from entering into it by higher considerations than the highest reasons of State expediency which can be devised.

Mr. Jeffrey makes his observations on this matter, in language respecting the quality of the late King's intellects, with which I certainly shall not disgust the readers of these pages. But thus much I will say—that his Majesty's honest, manly, straight-forward, single-minded, and truly English understanding, was one, which the habits and feelings of an Edinburgh Reviewer render him morally incapable of appreciating. I will add—with the most entire sincerity of heart—that for all the purposes of directing him in the discharge of the duties of his high office, it was incalculably superior to that of his Censor.

This is not a mere gratuitous assertion, or

idle opinion. Fortunately, Mr. Jeffrey has enabled us to bring the matter to the test of actual experiment, and that too on this very question of the right understanding of the Coronation Oath. We have seen his Majesty's construction of it, and the grounds on which that construction rests—we will now direct our attention to Mr. Jeffrey's.

It may be comprised in one principle,—which I will give in his own very pregnant terms.

“The Oath *plainly* applies to the conduct of
 “the King in his executive capacity, *not as a*
 “*branch of the legislature*; it forbids him, either
 “to hang men without judgment, or to *attack*
 “*the Church illegally*; or to take from Religion
 “its *lawful* sanction; or to take from the
 “Church its *lawful* rights.”

I have called the terms, in which this sentence is expressed, *very pregnant* terms; and, in truth, I believe them to be big with a meaning far more important, than they may at first sight appear to convey. Coming from the Edinburgh Review, a journal remarkable almost from its commencement for its hostility to the Church of England, (occasionally, indeed, though rarely, tempered with articles of a better spirit,) I cannot but

think we have here, an intimation of the views and wishes of a whole party; or, at least, a clue to the otherwise inexplicable impolicy of this very weak, however offensive, article of Mr. Jeffrey's. "To attack the Church *il-legally*," in this land of law and justice, would be beyond the enterprise of the hardest Reformer. The true mode of attacking it with success, must be to attack it *by the law* itself, and as, in these days of triumphant liberality, there is nothing liberal which a sanguine Reformer may not hope to carry through at least one House of Parliament, he has here abundant encouragement to attempt to sap the main buttress of the Established Church, the King's Coronation Oath. If His Majesty could but be persuaded, that this Oath does not really prevent him from assenting to any Bill, presented to him by Parliament, however hostile to the interests or the existence of the Church, what might not be hoped in the long run, from adroitly practising on (what must sometimes occur) "the fears of the brave, and the follies of the wise?" At any rate, the object is obviously worth the trial, — therefore Mr. Jeffrey tries it by means of this notable distinction, "the Oath *plainly* applies to the con-

“ duct of the King in his *executive* capacity, not “ as a member of the *legislature*.”

Now, in the first place, in what chapter of the Constitution, in what page of the Common or Statute Law of the Realm, has Mr. Jeffrey discovered this two-fold royal person—an executive and a legislative? The word *person* I use advisedly; for it is plain that Mr. Jeffrey treats the most important faculty of the soul, that of conscience, as quite distinct in the legislative from the executive. “ *I swear*,” says the King, “ that *I will, to the utmost of my power, maintain,*” &c.—But Mr. Jeffrey tells his Majesty, that it is only the executive King, not the legislative, that has taken this oath!—After this exquisite specimen of ingenuity, his present Majesty may, I fear, be tempted to adopt “ the weightiest dictum,” as Mr. Jeffrey calls it, of his royal Father, “ I hate “ all metaphysics, above all, Scotch metaphysics.”

But Mr. Jeffrey is not without an argument in support of his distinction (when was there a metaphysician without an argument for any thing?) “ The first promise of the Oath “ *rides over* the whole.” This first promise is as follows—“ I solemnly promise and swear,

“ that I will *govern* the people of the kingdom
 “ of England, &c. according to the *Statutes in*
 “ *Parliament agreed on*, and the *laws and customs*
 “ *of the same.*”

“ Now,” says Mr. Jeffrey, “ it is quite
 “ plain that *this* can affect the King only in his
 “ executive capacity—the second promise does
 “ the same (“ I will, to my power, cause law
 “ and justice in mercy to be executed in all my
 “ judgments,”) Therefore the third must do so
 likewise! Such is the logic of this distinguished orator, critic, and metaphysician.

But without pressing the absurdity further, I will undertake to show, first, that even the first of these promises affects the King as legislator, no less than “ in his executive capacity.” Secondly, that whether it does so or not, nothing but utter ignorance, or the grossest disingenuousness, could have induced Mr. Jeffrey to hazard such an assertion respecting the third promise of the oath, that which binds the King to maintain the Established Church.

First, of the first. Till Mr. Jeffrey shall be able to persuade the world, that to “ *govern* a
 “ people does not include the notion of making
 “ laws for them,” he will, I apprehend, find few persons disposed to agree with him in the view he takes even of his strongest position. True,

the King is to govern the people of this kingdom "according to the Statutes in Parliament agreed on,"—and if the sentence ended here, there might be some small pretence for Mr. J.'s construction of the first promise,—but, unfortunately, there are some other words behind, "*and the laws and customs of the same,*" i. e. kingdom of England.

Taking these last words into the account, and viewing the whole passage with due consideration of the nature of the obligation, and the time, purpose, and design, of imposing it, it is plain that the King is bound thereby to refuse to concur in *making* laws, contrary to the existing constitution, and the fundamental laws of the land. That there are "fundamental laws," if not above the power, yet beyond the moral competence, of the whole legislature to rescind them, what Englishman will hesitate to affirm? what Prince, who has read the Bill of Rights, will refuse to acknowledge? None of the illustrious House of Brunswick, I am well assured; and if the two Houses of Parliament should be so reckless of their duty, as to present a Bill for the Royal Assent, conferring on the Sovereign an universal and permanent dispensing power, enabling him to tax his subjects without their consent, or any other atrocious violation

of the principles of the English Constitution, the King would be the first to tell them, that by his Coronation Oath, by swearing to “govern according to the laws and customs of the kingdom,” he is compelled for ever to withhold his assent to such a Bill. Will Mr. Jeffrey be bold enough to affirm the contrary? If he will not, what becomes of his palmary, his only, argument for the wild notion, that it is “in his executive capacity only,” that the King incurs the obligations of his Coronation Oath?

I am aware, that it is not now for the first time, that this distinction has been insisted on. Mr. Jeffrey himself, in an earlier Number of the *Edinburgh Review*,* taught the same doctrine in the following still more felicitous language. “The Coronation Oath has no sort of relation to the King’s acts as part of the legislature; it binds him as an executive magistrate only,”—an expression immediately borrowed from the very liberal school of Mr. Thomas Paine and Dr. Richard Price, and most perfectly accordant with their views of the English Constitution. But as the liberality of the present age has not attained to the full

* No. xix. p. 139.

maturity, in which it displayed itself in those choicer spirits, Mr. Jeffrey does well to have recourse to a less startling phraseology.

It is also true, that the same notion, in Mr. Jeffrey's present expression of it, has been adduced by a Roman Catholic barrister,* Mr. Dillon, and maintained with much learning, ingenuity, and moderation, both of sentiment and language. I know not whether this Gentleman be still alive; if he be, I heartily sympathize with his feelings, on seeing his own argument so marred by the blunders, and disgraced by the virulence, of Mr. Jeffrey.

Mr. Dillon's Essay on the Coronation Oath.

Without entering into a minute examination of Mr. Dillon's tract, I shall beg leave briefly to state the view the Law of England takes of the relation which the Sovereign bears to the laws, in order to prove that when he swears, that "he, *to the utmost of his power*, will maintain "and preserve *inviolably*" any object whatever, he must be understood to do so in his whole regal character, one of the highest and most

* Essay on the History and Effect of the Coronation Oath, by John Joseph Dillon, of Lincoln's Inn, Esq. 1807.

essential particulars of which is that of being *lawmaker*: and I entreat the pardon of those of my readers, to whom this view of the case must be familiar, for presuming thus to hold my feeble lamp, to illustrate what they must already consider to be clear as the light of day.

Convenient as it may be for writers on the constitution of England to distribute the powers and functions of the crown into executive and legislative, and to talk of the King as *a branch* of the legislature, it is a distinction which the language of the law itself is very far from encouraging. We there read, that the laws are the laws of the King*—that Parliament is the great council of the nation, summoned to advise the King concerning the arduous affairs of the realm, and without whose advice and consent no law can be made by him. I need hardly remark, that the *form* of making statutes, at this very day, recognises this to be the true constitutional view of the matter. The new law is *enacted by the King*, by and with the advice and consent of his great council, the Parliament. He enacts

* “Albeit,” says Lord Coke, “the kings of England derived their ecclesiastical laws from others, yet so many as were proved, approved, and allowed here, by and with a general consent, are *aptly and rightly called the King’s Ecclesiastical Laws of England*.”—5 Rep. Cowdrey’s Case.

by *willing* that their advice take effect; he refuses his consent, by announcing his purpose of considering the matter with himself. But this matter becomes still plainer, by looking into the ancient law of the land.

The King as Legislator.

The laws of *Edward the Confessor*, which were the foundation of all the charters of subsequent Sovereigns, and to the maintenance of which our Kings were expressly bound by their Coronation Oath, from a very early period to James II. inclusive,—those laws, in the 17th chapter *De Regis Officio*, thus declare this part of the kingly office, “*Debet bonas leges, et consuetudines approbatas erigere, pravas autem delere, et omnes a regno deponere;*” and they also give the constitutional limitation of his power; “*Debet omnia ritè facere, et per judicium procerum regni.*”*

The laws of *William the Conqueror* begin thus: “*Hîc intimatur quid Gulielmus, Rex Angliæ, cum principibus suis, constituit post conquestionem Angliæ.*” And presently afterwards, “*Hoc quoque præcipio, ut omnes habeant et te-*

* Wilkins, *Leges Anglosax.* p. 200.

“neant leges Regis Edvardi in omnibus rebus,
 “adauctis his quæ *constituimus* ad utilitatem
 “Anglorum. Et *prohibeo*, ut nullus,”* &c.

William Rufus won the favour of the English by promising them “*faciles leges*,” &c. Again, when sick at Gloucester, 1092, and under the fear of death, he promised “*sese pravas leges emendaturum*.”†

Henry I., on the death of *Rufus*, (his eldest brother being absent in the Holy War) promised *an amendment of the laws*; whereupon the Clergy (*i. e.* Prelates), and all the great men, (Magnates,) answered, that if he would grant, and by charter confirm, the liberties and ancient customs which they enjoyed in the reign of *St. Edward*, they would make him King. He promised accordingly, and kept his promise, giving a charter, in the full style of *maker*, or granter, of the laws which are therein recounted, and by which various grievances were redressed. “*Omnes malas consuetudines*,” says he, “*quibus*
 “*Regnum Angliæ injustè opprimebatur, inde*
 “*aufero, quas malas consuetudines hic pono*.” He then enumerates them. The whole was subscribed by divers Lords spiritual and tem-

* Wilkins, *Leges Anglosax*, pp. 207, 208.

† *Mat. Par.* 11, 12.

poral, as witnesses,* thus implying their own assent.

Stephen obtained the crown under similar promises of amending the laws. “*Congregatis Londoniis regni magnatibus, meliorationem legum promisit.*”†

Henry II. made many laws for the good of the kingdom. “*Leges quas idem Rex ad utilitatem regni statuit,*” says Matthew Paris, “*hoc in loco scriberem, si lectorem offendere pro prolixitate non dubitarem.*”‡

Richard I. set forth his Charter de Statutis illorum, qui per mare ituri erant, in the following terms. “*Richardus, Dei gratia, &c. omnibus hominibus nostris, &c. salutem. Sciatis nos, de communi proborum virorum consilio, fecisse has justitias subscriptas.*”§

The Great Charter of *John* is conceived in similar terms. “*John, by the advice of Stephen, Archbishop of Canterbury, and divers his Lords spiritual and temporal, and others his liege subjects, grants,*” &c.

So also that of *Henry III.* “*Sciatis quod nos, &c. spontaneâ et bonâ voluntate nostrâ dedimus et concessimus, &c. His testibus, Domino*

* Mat. Par. 38—40.

† Ibid. 50.

‡ Ibid. 107.

§ Wilkins, p. 342.

“ S. Cantuar. Archiep.,” and twenty-eight other Prelates, and thirty temporal Lords.

And thus we are come to the Statute Law of the land. It is, indeed, expressly said by Lord Coke,* that *Acts of Parliament* were set forth in those days under the form of a *Royal Charter*. Again: he has said (what is equally to the present purpose) that, “ in ancient times Acts of “ Parliament were in form of *Petitions*.”† Some were drawn up “ sub formula diplomatis sui “ brevis,”‡ as Statutum de Religiosis, 7th Edward I. “ Rex justic’ suis de Banco salutem,” &c.: many in a mandatory style, as 13th Edward I. Stat. Wynton. “ *Our Lord the King,* “ for to abate the power of felons, *hath established* “ a pain in this case ;” and, in the conclusion, “ *the King commandeth and forbiddeth,*” no further notice being taken of Parliament than that, “ in Statuti (ut ita dicam) fronte, Dominus Rex “ in Parlamento suo edidit.”§

The 28th Edward I., De Appellatis, “ Our “ Lord the King, *at his Parliament* holden at “ Westminster, &c. hath granted, *ordained, and* “ *provided,*” &c.

And it is the remark of Lord Coke,|| that

* 8 Rep. 19.

† 4 Inst. 5.

‡ 8 Rep. 20.

§ 8 Rep. 19.

|| Ibid. 20.

there are many statutes thus expressed, “*Domini minus Rex statuit.*”

Of these Acts of Parliament in the time of Edward I., Sir Matthew Hale* says, that they “were drawn up into the form of a law in the first instance, and so assented to by both Houses, and the King, as may appear by the very contexture and fabric of the statutes of those times.” We have seen the contexture and fabric of several, I will add one more, the 35th Edward I., *De Asportatis Religiosorum*, which concludes in these words: “Our Lord the King, after full deliberation and conference had with the Earls, Barons, Lords, and other nobles, &c. of his realm, touching the premises, *hath ordained and enacted*, that the ordinances and statutes aforesaid shall be inviolably observed, and in force for ever.”

Sir Matthew Hale continues, “But from near the beginning of the reign of Edward III. till very near the end of Henry VI., they were not in the first instance drawn up in the form of Acts of Parliament; but the petition and the answer were entered in the Parliament Rolls, and out of both, by advice of the Judges, and others of the King’s council, the

* History of the Common Law, p. 14.

“ act was drawn up conformable to the petition
“ and answer.”

Now, let us see what was the form in which the Sages of the law themselves drew up the statutes.

5th *Edward III.* “ At the Parliament summoned at Westminster, *our Lord the King*, by the assent of the Prelates, Earls, Barons, and other great men of the realm there assembled, to the honour of God and of the holy Church, and at the request of his people, *granted and established* these things underwritten.”

1st *Richard II.* “ Richard, by the grace of God, &c. to the sheriff of Middlesex, greeting. Know thou that, &c. with the assent of the Prelates, Dukes, &c. at the instance and especial request of the Commons of our realm aforesaid, assembled at our Parliament, &c. *we have caused to be ordained and established certain statutes* in amendment and relief of this our said realm, in form following.”

1st *Henry IV.*, 1st *Henry V.*, 1st *Henry VI.* are all conceived in similar terms. “ Henry, by the grace of God, &c. with the assent of the Prelates, Dukes, &c. and at the instance and special request of the Commons of the said realm, assembled at his Parliament holden at Westminster, *hath caused to be or-*

“ *dained and established certain ordinances and statutes.*”

It uniformly was the King that ordained, with the assent of his great council. “ The King of England,” says Lord Coke,* “ is armed with divers councils, one whereof is called *Comune Concilium*, and that is the Court of Parliament.” “ This court consisteth of the King’s majesty sitting there, as in his Royal politick capacity, and of the three estates of the realm.”† “ The jurisdiction of this court is so transcendent, that it maketh, enlargeth, repealeth, and reviveth lawes,”‡ &c. “ *Habet Rex curiam suam in Parliamentis suis, præsentibus Prælatibus, Comitibus, Baronibus, Proceribus, et aliis viris peritis, ubi terminatæ sunt dubitationes judiciorum, et, novis injuriis emersis, nova constituuntur remedia.*”

Lord Coke further says, that “ the King is *caput, principium, et finis* of his Court of Parliament.”—4 Inst. 3.

In 22 E. 3. Hil. Term, Plea 25, it is laid down thus:—*Et fuit dit, que le Roy fait les Leis par assent des Peres et de la Commune, et non pas les Peres, et la Commune.*

Whitelock, in his comment on the Parlia-

* 1 Inst. 110.

† 4 Inst. 1.

‡ 1 Inst. 110.

mentary Writ, says, "*The making of Statutes is by the King, with the assent of the Lords and Commons in Parliament.*"—Vol. i. p. 406.

Sir Matthew Hale (Jurisd. of the Lords, p. 11) speaks of "*The legislative power being lodged in the King with the assent of the two Houses of Parliament.*"

Such is the monarchy of England, as described by the laws of England, and by the greatest Sages of the law,—“an absolute Monarchy,” Lord Coke elsewhere* calls it, by a title of an odious sound, though he evidently means not absolute in the sense in which that expression is commonly used, *i. e.* without legal restrictions on the prerogative, but “omnibus numeris absoluta,” perfect in all that is necessary to a monarchy, wherein the King is not, in strictness of speech, a *branch* of the legislature, but rather he is the legislator, limited, indeed, and restrained, moved and advised, in the exercise of legislation, by the lawful and constitutional power of “the great Council of the nation assembled in Parliament;” that is, not the nation’s, but the King’s, great Council, *the nation assembled to be his council by their representatives in Parliament.*

* 5 Rep. 40.

The King, as Legislator, is bound by his Coronation Oath.

If this were a mere speculative nicety, I should have abstained from treating of it at all; but it has, as must be apparent, a most important practical bearing, when a questionable expression (which, however, I presume not to blame) is thus made the foundation of an argument to change the whole character of the Coronation Oath. But can it be any longer seriously maintained, that this Oath, taken by the King, as King, at the time of his solemn inauguration into his high office, is yet not binding on him when he is, as we have seen in an especial manner, “*sitting in his Royal political capacity,*” to make laws in his great council of the realm?

That he is thus bound, as lawmaker, is expressly stated in what remains to us of the most ancient Oath, though the exact form in which it was taken (if, indeed, there were any one exact form from the first) does not appear. The draught and outline of the Oath, in its very origin, is exhibited to us in the laws of Edward the Confessor; and it is interesting and most satisfactory to note, how faithfully the spirit of that venerable original has been

throughout preserved. The Chapter de Regis Officio, et de Jure et Appendiciis Coronæ Regni Brytanniæ, after saying what I have just now cited, “The King ought to do all things according to known and established order (ritè), and “by the counsel of his great men,” proceeds as follows: “Moreover, the King ought to fear “God, and love him above all things: he ought “to preserve, cherish, maintain, rule, and defend against all enemies the holy Church of his “realm in all its integrity and liberty, &c.: he “ought also *to make good laws* and approved “customs, but to expunge the bad, and root “all such out of his kingdom:* he ought also “to do right judgment in his kingdom, and to “keep to justice by the counsel of the great “men of his kingdom. And to the performance of all these things, the King, in his “proper person, looking to and touching the “holy Gospels, and upon the sacred and holy “relics, in the presence of all his realm, and the “Priesthood and the Clergy, ought to *swear before he is crowned* by the Archbishops and “Bishops of the realm.” Compare this with the old form of the Coronation Oath, and even with that which is taken at present, and see how fully it accords with them.

* “Debet etiam bonas leges et consuetudines approbatas
“erigere, pravas autem delere, et omnes a regno deponere.”

The accounts which history gives us of the Oaths of the first sovereigns correspond with this law of Edward's, especially in the particular we are now considering.

Henry I. having sworn to grant the ancient liberties and customs of Edward the Confessor, and to confirm them by his charter, did accordingly in his charter abolish from the realm all bad customs.*

The coronation of Richard I. is described by Matthew Paris with much minuteness, and it is interesting to mark its resemblance to a coronation in our own times. His Oath contained the three particulars; first, in favour of the Church; secondly, that he would execute right justice to the people; thirdly, that he would *abolish bad laws* and unjust customs, if any such should be, and would observe the good.†

John's Oath, administered with more than ordinary solemnity and precision, from apprehension of his future wickedness, bound him to the same particulars, the second being "quòd
" *perversis legibus destructis, bonas substi-*
" *tueret.*"‡

* Mat. Par. 38. "Omnes malas consuetudines, quibus regnum Angliæ injustè opprimebatur, inde aufero."

† Matt. Par. 108.

‡ Ibid. 138.

Henry III.'s Oath was to the same effect.*

The Oath which has been already † cited as the fixed form of Oath in Edward II.'s time, does not so expressly state the matter of making laws, but it contains the following clause. “Concedis justas leges et consuetudines esse tenendas, et promittis per te esse protegendas, et ad honorem Dei corroborandas, quas vultus elegerit, secundum vires tuas?”

Of this form Mr. Dillon says, “that it continued with very trifling alteration until the Revolution of 1688. It was taken by *Edward VI.* (of this more presently) and *Charles I.*” p. 39. And shortly afterwards he thus proceeds.

“In the earlier Oaths we find the King sworn to ordain and introduce wholesome laws, and abolish those which were inconvenient or unjust. In later times, when the constitution of Parliament was firmly established, and the regal prerogative in the enactment of laws ascertained and accurately defined, the clauses

* “Quòd honorem, pacem, et reverentiam portabit Deo, et sanctis Ecclesiæ, et ejus ordinatis; quòd in populo sibi commisso rectam justitiam tenebit; quòdque leges malas et iniquas consuetudines, si quæ sint in regno, delebit, et bonas observabit et ab omnibus faciet observari.” Mat. Par. 200.

† Vide suprâ, p. 15.

“ of the old Coronation Oath relating to the
 “ legislative duties of the Sovereign were ex-
 “ punged as unnecessary. It was then con-
 “ sidered, that as the right of the people to
 “ concur in the enactment of laws was secured,
 “ it was only by the bad administration of them
 “ that the liberties of the subject could be in-
 “ vaded. Accordingly, *the terms of the Coro-*
 “ *nation Oath, from the reign of Richard II. to*
 “ *the Revolution, obviously affected the Sovereign*
 “ *solely in his executive capacity.*”

Now, in this passage I must first remark an important historical mistake, where Mr. Dillon ascribes the origin of this Oath to the time of *Richard II.* The Statutes at Large, published by authority, state this same Oath to have been the Oath of *Edward II.*; and, if the authority of this edition were not conclusive, the document produced by Mr. Dillon himself, the Rot. Parl. *Henry IV.* n. 17, proves the same thing. For we there find that Oath to be styled, “ *Forma juramenti soliti et consueti*
 “ *præstari per Reges Angliæ in eorum coro-*
 “ *natione, quod Archiepiscopus Cantuariensis*
 “ *ab eisdem Regibus exigere et recipere con-*
 “ *suevit, prout in libris Pontificalium, Archiepis-*
 “ *coporum, et Episcoporum plenius continetur.*”
 Now, I submit, that the meaning of the words

soliti, consueti, consuevit is not satisfied by supposing it to have been adopted in only one instance before the reigning Monarch,—that to extend it to two instances more, and thus to harmonize with the more authoritative statement, is the least that can be deemed reasonable.

I doubt not, indeed, that it was merely Mr. Dillon's own fair spirit which induced him to claim no higher antiquity for this form of Oath, than that which is here *expressed*; for, it is quite plain, that the higher he could carry it, the better it would seem to be for his purpose. Unfortunately, however, the carrying it up to Edward II., is fatal to the whole argument which he draws from it: for it happens, that in a statute of the 15th of this prince, another statute, which had been passed in Parliament at Westminster that same year, is repealed on the following expressed ground, because
 “unto our Lord the King at a Parliament as-
 “sembled at York, it was showed by the Pre-
 “lates, Earls, Barons, Knights of shires, and
 “Commonalty of his realm, there assembled
 “by his command, that the said statute, ordi-
 “nance, &c. were sinfully and wrongfully made
 “and granted, against reason and common

“ right, and *against the Oath of our Lord the King, which he made at his Coronation.*”*

This, I contend, is an irrefragable proof, that in the very reign of Edward II., to which the Coronation Oath, taken before the Revolution, is traced, it was held by Parliament, that that Oath does extend to the King as legislator.

So sacred, indeed, was this Oath then held, and so manifestly was it deemed to apply to the King in making laws, that in the commission (to exercise the most important of the King's functions) granted by the King in the 5th year of his reign, by letters patent under the great seal, “ to the Prelates, Earls, Barons, “ and Commons of the said realm, that they “ may choose certain of the prelates, earls, “ and Barons, whom they shall think sufficient, “ *with full power to order the state of our household and Realm,*”—There is a proviso, that their ordinances be “ to the honor of God, &c. “ according to right and reason, and *the Oath*

* If this Oath could be carried a single reign higher, the argument would be still stronger: for Edward I., the English Justinian, as Blackstone calls him, (1 Bl. 425) twice in one statute, 27 Edw. I., c. 1. (the Statute of Fines levied) makes a reservation, that nothing be thereby granted contrary to his Oath.

“ *which we made at our Coronation.*” These ordinances, forty-one in number, relate to the liberties of the Church, the keeping the great charter, and charter of the forests, holding Parliaments yearly, &c. &c., extending, in short, to all the main particulars of the rights and liberties of the Church and Nation, and the principal heads of the common law of the land.

I do not mean to say any thing of the lawfulness of this commission. It was, as is well known, extorted from the weakness of this unhappy prince, by his prelates and barons in Parliament assembled, who were goaded to this violent measure by the lamentable misgovernment of Edward and his minion, Piers Gaveston. But it shows (and for this purpose only is it adduced by me,) *what was the construction put on the Coronation Oath by the Parliament of that reign, the very reign in which it seems to have been first imposed.*

But this is not all. Mr. Dillon was in error, when he said, that the Oath was taken by *Edward VI.* in the same form. On the contrary, it appears from the Council Book,* that the Lord Protector, and other of the council appointed by Henry VIII. to administer the

* Burnet, H. R. vol. ii. Rec. p. 94.

government during the minority of his son, made many alterations in the old ceremonial of the coronation, in order to accommodate it to the new laws, and that at the same time they determined, that the Coronation Oath should be taken by Edward in the form given by me above.* Of that form, the following clause manifestly applies to the King as legislator. "Do you grant to make," (that is, do you grant that *you will make*, in the same manner as in the first clause, "Do you grant to keep to the people of England the laws and liberties of this realm," must mean, do you grant *that you will keep*,)—"Do you grant to make no laws, but such as shall be to the honor and glory of God, and to the good of the commonwealth; and *that the same shall be made by the consent of your people*, as hath been accustomed?"

After this, no one, I imagine, will attempt to defend Mr. Dillon's hypothesis, "that the clauses of the old Coronation Oath, relating to the *legislative* duties of the Sovereign, were *expunged*" in the new Oath, as no longer suited to the Constitution. Waving, therefore, all

* See above, p. 19.

further notice of this part of his argument, I shall proceed to another.

“ It may be considered,” says he, “ as a political axiom, that in every state there necessarily exists a Supreme Power, capable of ordaining every regulation which it may deem expedient for the public good.” Again: “ To promote to the utmost the public good, is the grand and indispensable duty of all government. *Salus Reipublicæ suprema lex.*”—pp. 27, 28. Without contending on this point, it is sufficient to say, that the law of England has, in the Coronation Oath, assisted the Sovereign in determining what is “ the public good,” and what is most essential to the “ *Salus Reipublicæ*,” by specifying certain great particulars, and binding his conscience to maintain them inviolably.

But he adds something of more seeming importance. “ The positions which I have endeavoured to establish with respect to the transcendent obligation imposed upon the King to consent to any Bill proposed to him by Parliament (in case his Majesty shall believe such a Bill to be expedient to the public welfare) are confirmed by the positive declarations of the English legislature. For by the

“ 25th Edward III. stat. 6. (the Statute of Provisors) it is expressly declared, “ That the
 “ RIGHT OF THE CROWN OF ENGLAND AND THE
 “ LAW OF THE REALM IS SUCH, *that upon the*
 “ *mischiefs and damages which happen to this*
 “ *Realm, the King OUGHT and IS BOUND BY HIS*
 “ OATH, *with the accord of the people in Parlia-*
 “ *ment, to make remedy and law.*” *

How Mr. Dillon can cite this statute, and gravely contend that the Coronation Oath does not bind the Sovereign as legislator, is past my comprehension. What is the sum and substance of it? “ That the King is bound by his
 “ Coronation Oath, to make laws, with the ac-
 “ cord of his people, to remedy any emergent
 “ mischief.” Most certainly he is; but common sense imposes the restriction, that he do not, in remedying one mischief, introduce a greater; and the law, by imposing the Coronation Oath on the Prince, has told him that the mischiefs which are the greatest of all, and which he is on no account to hazard, are those which would endanger certain objects, which he is thus placed under the most solemn engagement to preserve.

After all, however, Mr. Dillon seems to have

* I have followed Mr. Dillon's own Typography.

been a little of a plagiarist in pressing into his service this preamble of the statute of 25th Edward III. The real authors of this happy expedient, were the parliamentary leaders in Charles's time, —who, in their famous Remonstrance, made, if not so honest, yet an infinitely more efficacious use of it than Mr. Dillon. They disdained to employ his diluting parenthesis (*in case his Majesty shall believe such a Bill to be expedient to the public welfare*) and boldly told their Sovereign, that “they are the most proper judges” (what the public welfare requires) “who are sent from the whole kingdom for that very purpose,” and therefore they demanded very sturdily, that his Majesty should not think himself at liberty to withhold his assent to any Bills which the Parliament should present to him.*

This was urging the point to some purpose, but king Charles, like king George, presumed to have a conscience of his own; he told them that this pretension of theirs was “a thing never heard of till this day,” that it rested on a mistaken translation by them of the Latin form of Oath, which was clear in the English as he had taken it,—that it would defeat the very object

* Clarendon H. R. vol. i. p. 154. folio.

of the Oath, and disable him to perform the great business of his high office, which was to protect them. “What discharge would it be for his Majesty, either before God or man, when his good subjects, whom God and the law had committed to his charge, should be worried and spoiled, to say that he trusted others to protect them? That is, to do that duty for him, which he was bound to discharge.”*

Afterwards, the same unhappy King was tried still more severely on this very point; and manfully and nobly he sacrificed his life to a firm adherence to his conscientious construction of his *Coronation Oath*, which forbade him to assent to a Bill presented to him by Parliament for the destruction of the Church of England;† and, yet, had the modern distinction been then devised,—that his “Oath affected him in his *executive* capacity only, not as a branch of the *legislative*,”—how easy would the whole matter have been made! Unluckily, the parliamentary leaders of those days, who have not commonly been reckoned blockheads, in all their consultations on this main difficulty, were to-

* Clarendon, vol. i. 484.

† Clarendon, iii. 168. (See below, Appendix, Note B.)

tally unable to hit off an expedient, which our modern luminaries assure us is “plainly,” and “obviously,” on the very surface.

The same darkness appears to have spread over the intellects of our great men (as they have been wont to be esteemed) at the Revolution. They all regarded the Coronation Oath as extending to the whole Kingly Office. Mr. Somers, as I have already had occasion to show, declared at the conference with the Lords, (5 February, 1688-9,) that James II. had, “by avowing to *govern by a despotic power*” (of which, *making Laws* must be deemed the main part,) “unknown to the constitution, and “inconsistent with it, renounced to be such a “King as he swore to be at his Coronation, “such a King to whom the allegiance of an “English subject is due.”

But it has been said by Mr. Dillon, “Did “the mischief of which our ancestors then “complained proceed from an undue exercise “of the *legislative* Authority? The answer will “be best given by the Bill of Rights, which “makes a *formal recognition*, that it was *solely* “by the *executive* department of the Royal Authority the Church had been endangered.”*

* Dillon, p. 49.

There are some propositions, which it is difficult to suppose to have been intended seriously:—among these I must reckon that which I have here quoted. The very first particular of James's misconduct, recited in the Bill of Rights, was his “*assuming and exercising a power of dispensing with Laws, and the execution of laws, without consent of Parliament.*” Now, if this is not an Act of Legislation, I know not what Legislation is; and if it be not here complained of, as *such*, I know not what the meaning of plain words is.—But how is this particular commented upon by King William himself?—“A main and fundamental point of this Constitution, says he, is, That the subjects ought to be *governed by laws enacted in Parliament*, and not by the mere pleasure of the King. The late King set himself to overturn this, not only in some practices that imported it by consequence, but *by a public Act of State; by which he declared, that the power of dispensing with laws was a right of the Crown*, upon which he assumed it. This struck at the foundation of the Government; and the exercise and progress of it must have been fatal to the li-

“berties of the people.”* Was not this “public Act of State” an Act of Legislation?

Again, can the third particular, that of “*Is-suing, and causing to be executed, a Commission under the Great Seal, for erecting a Court called, The Court of Commissioners for Ecclesiastical Causes,*” not only without law, but contrary to an express statute, be deemed an act of *executive* power? Most evidently not: it involved a claim to the power of *legislation by the Royal Prerogative* without consent of Parliament.

And how did “our Ancestors” themselves speak of these things? We have heard what Mr. Somers said. Let me now adduce the language of Sir George Treby at the same free conference. “The King having a limited authority, by which he was obliged to keep the laws made, as to the executive part of his government, and *to observe the constitution for making such new laws,* as the people should find necessary, and present him for his consent; when he doth violate, not a particular law, but all the fundamentals,—not injure a particular person in Religion,

* “Memorial drawn by King William’s special direction”—and under his own eye, the draught being examined by himself.—Lord Somers’ Tracts, vol. xi. p. 110.

“ Liberty, or Property, but *fall upon the whole*
“ *Constitution*, what doth all this speak? He
“ therein saith, I will no more keep within my
“ limited authority, nor hold my kingly office
“ upon such terms. This title I had by the
“ original contract between King and People,”
(of which contract the Coronation Oath is, on
the King’s part, the bond); “ I renounce that,
“ and will assume another to myself; that is,
“ such a title, as by which I may act, *as if there*
“ *were no such law to circumscribe my authority.*”

But all this, it may be urged, applies to the old Coronation Oath, which differs from that which is now taken in several particulars, and why not in this?—I have already, (in observing on Mr. Jeffrey’s position,) endeavoured to answer the question, and to show that the present Oath applies to the King in making laws; I shall, therefore, not again argue the point, but shall content myself with confirming my argument by the authority of names, which are still considered to merit some regard.

In Grey’s Report of the Debates, which took place on the 25th of March, 1688-9, when the Coronation Oath was fixed, and on the 29th, when a proviso was proposed by way of rider to it, “ That no Clause in this Act shall

“ be understood so to bind the Kings or
 “ Queens of this realm, as to prevent their
 “ giving their Royal Assent to any Bill, which
 “ shall be at any time offered by the Lords
 “ and Commons, assembled in Parliament, for
 “ the taking away or altering any Form or
 “ Ceremony in the Established Church, so as
 “ the doctrines of the said Church, a public
 “ Liturgy, and the Episcopal Government of
 “ it, be preserved ;”—meagre and confused as
 the Report is, enough is given to establish the
 one main point of our present inquiry. For,
 it is observable, that not one single speaker,
 on either side, said, what, if true, would have
 been conclusive of the whole matter of debate,
 —that the Oath applies to the King “ in his
 “ executive capacity only ;” on the contrary,
 enough was said by many of them to show,
 that it was taken as a matter of course, that it
 bound the King’s conscience *in making new
 laws*.*

* On the first night, the only question in debate was, whether, in the clause which binds the King “ to maintain the
 “ Protestant Reformed Religion *established by law*,” should be
 inserted any such words as these, “ as it is, or shall be,” established.—Those who may be called the low Church Party
 were anxious for the insertion ; because they apprehended,
 that, without it, occasion might be taken to tell the King, that

Mr. Burke's Letter to Sir H. Langrishe, in 1792.

I am not aware, that the meaning of the Coronation Oath was ever again brought into

he was precluded by his Oath from consenting to any Bill for carrying into effect the promise of a toleration made by him to the Dissenters. Thus *Mr. Hampden, Jun.*—"You do not say, 'according to the laws in being,' (which he afterwards moved to insert.) "By *this*," (i. e. the Oath as it stands,) "every casuist will tell the King he is obliged, in the strictest sense, never to alter them."

Mr. Garroway.—"You have a great work upon your hands, upon which our future happiness must depend. You must consider what it is the King can, and what it is fit for him to take. I am for 'the National Church:' if you tie it up strictly 'according to law,' you do not know *whether the King be free to grant what you require*. I would have *the Church-doors made wider*, and I think it might easily be done. In order to *that* I move, that the King, in the Oath, swear to maintain the Protestant Religion *which is, or shall be*, established by law."

Major Wildman.—"Consider whether it is reasonable, some *comprehension or toleration being intended*, to swear so generally. Consider, the next day after the King has taken this Oath, who shall excuse him from his Oath, before the House has agreed any alteration (in favour of Protestant Dissenters)?"

Mr. Somers.—"I desire the addition, for great regard to the Legislature. In the former paragraph, it is 'Statutes, and Laws, and Customs in being' in the other establishment (the civil). *He that gives his consent to take away, does not maintain them.*"

discussion, till the publication of Mr. Burke's celebrated letter to Sir Hercules Langrishe, in

Meanwhile, the other party, the warm friends of the Church of England, resisted the insertion, as worse than unnecessary. At the head of these was *Mr. Finch*, second son of the Earl of Nottingham, and afterwards created Earl of Aylesford, one of the ablest and most considerable members of the House, who expressed himself as follows: "The insertion is needless, because, the words being implied, you need not add them. But I think it necessary, that the world may know we mean the *established* Protestant Religion.—To show, that, by these words, we mean the Reformed Protestant Religion established by law, I am against the words '*shall be established.*' No man can have any colour, but that *still a liberty is to consent to any other laws to PRESERVE Religion.* No man, from the Bishop downwards, is against any comprehension or ease to tender consciences; but this is, as if there were another Protestant Religion to be established by law."

Mr. Godolphin. "All our securities rest upon the King's conscientiousness. I would not put in the words, because I would not leave a doubt, if it is not in the intention of the House to alter the Religion established by law. *I would have tender consciences come in at the door, not pull down the rafters of the house to come in at the roof.*"

These reasons prevailed; but on the subsequent day some of the defeated party introduced the proviso already mentioned. It was rejected, partly as unnecessary; partly, as seeming to trench on the legislative power, a matter highly unseemly in any Act of Parliament. But in the whole debate, there is nothing said in contradiction of the sentiments expressed on the former night, recognising the words of the Oath, as, in their proper meaning, binding the King's conscience in making laws,

1792. That great man declared, and entered into an argument to prove, that there was nothing in the Oath, which forebade His Majesty to consent to any Bill conferring on the Roman Catholics of Ireland the particular indulgences they then sought.

“ If,” said he, “ such means can with any probability be shown, from circumstances, to *add strength* to our mixed ecclesiastical and secular constitution, rather than to weaken it; surely they are means infinitely to be preferred to penalties, incapacities, and proscriptions, continued from generation to generation. They are perfectly consistent with the other parts of the Coronation Oath, in which he swears to maintain the laws of God, and the true profession of the Gospel, and to govern the people, according to the Statutes in Parliament agreed upon, and the laws and customs of the Realm. *In consenting to such a Statute*, the Crown would act at least as agreeable to the Laws of God, &c. as George I. did, when he passed the Statute which took from the body of the people

and binding him, therefore, to consent to none which, in his serious judgment, shall appear to hurt, or endanger, that which he swears to *maintain, to the utmost of his power*,—namely, the Protestant Reformed Religion established by law.

“ every thing which, to that hour, and even
 “ after the monstrous Acts of the 2d and 8th of
 “ Anne, they still enjoyed inviolate.” This argument, we may perceive, takes for granted that *the King is bound to withhold his consent from Bills which would really endanger the safety of the Church*. Again, “ There is no man on
 “ earth, I believe, more willing than I am to
 “ lay it down as a *fundamental of the Constitution, that the Church of England should be*
 “ *united and even identified with it*: but allowing
 “ this, I cannot allow that all *laws of regulation,** made from time to time, in support of
 “ that fundamental law, are, of course equally
 “ fundamental and equally unchangeable:”—
 “ none of this species of *secondary and subsidiary*
 “ laws have been held fundamental.”

It is apparent, therefore, that this high authority must be added to those of all public men, whose sentiments on the subject are on record,

* If the Church of England be a *fundamental of the Constitution*, the King is, of course, bound to preserve it, and to reject all Bills, in his judgment, seriously endangering it. Mr. Burke here virtually admits this; but surely he carries his notion respecting laws of regulation too far, when he says, “ In
 “ the Coronation Engagements of the King, I do not find one
 “ word to preclude his Majesty from assenting to *any* arrangement which Parliament may make with regard to the civil
 “ privileges of any part of his subjects.”—p. 361.

up to the end of the last century ; they all recognised the Coronation Oath as binding the conscience of the Sovereign in all the acts of his kingly office, above all, in the most important of all, his acts as legislator.

But I do not wish to dissemble, that Mr. Burke argued the point in a manner highly favourable to the views of the Roman Catholics. To the particular object of which he was then the advocate, I shall have occasion to refer hereafter. Meanwhile, I may be permitted to say, (though I say it with unfeigned reluctance, and with a profound sense of the value of that judgment which, in this instance, I cannot but question) that he argued on grounds which, in part, appear untenable ; I mean, where he attempts to show, that our ancestors, at the Revolution, were not more eager to guard the Church of England against the dangers of Popery, than against those which arise from other modes of dissent. That they laboured to guard the Church against dangers from every quarter, no man will question ; but, after what we have seen, it is surely too much to affirm, that Popery was not the main object of their precautions. “ It cannot well pass observation,” says Lord Kenyon,* that *the whole system of Laws, as to the*

* Letters of his late Majesty, &c. p. 24.

“ *purpose of the present inquiry, was to guard*
 “ *against the possible introduction of Popish influ-*
 “ *ence into any branch of the legislature. As*
 “ *far as respects the Sovereign, it is guarded by*
 “ *the Oath he takes ; and with respect to the*
 “ *Houses of Parliament, by the Declaration in*
 “ *30 Car. II.*”

I have thus endeavoured to show, both by reasoning, and by authority, the utter futility of the notion, that “ the Coronation Oath applies to the conduct of the King in his *executive capacity* only, not as a branch of the legislature.” But other grounds have been taken for virtually evacuating this Oath, which I must not pass unnoticed.

Dr. Milner's Case of Conscience.

Dr. Milner was, I believe, the first writer who laboured in this holy undertaking. The larger portion of his “ Case of Conscience ” is occupied with an attempt to show that the Coronation Oath never prevented our Princes from making such alterations in the laws affecting the Church as on the whole they thought fit,—(a matter with which our present argument is not concerned ;) in particular, “ that Charles I.

“gave his consent to the Bill for excluding
“Bishops from sitting in Parliament, *in order,*
“as it appeared at the treaty of Uxbridge, *to*
“*prevent their entire degradation*: he afterwards,
“at a still more calamitous period, yielded to a
“greater curtailment of their power and dig-
“nity, *for the purpose of preserving the establish-*
“*ment from sinking into absolute Presbyterianism.*”

All this is perfectly true; and in the *necessity* for such concessions, sincerely and honestly believed by Charles to exist, and in that necessity *only*, do we find the justification of the actions which it caused. Whenever such a necessity shall again occur, it will be for the King of England first to satisfy himself of its existence, and, if he be convinced that it really exists, to follow the dictates of the highest species of prudence, that master-virtue which balances conflicting duties, and decides which, in the collision, is to be preferred—decides, however, not according to the shifting appearance of temporal expediency, but according to the eternal rules of truth and justice. Meanwhile, he will not be very ready to give ear to those, who either affirm or insinuate, that the necessity is come, or likely to come. Come when it may, it will, we may be sure, make its presence to be seen and felt; and even in its approach, it will

“cast its shadow” long “before.” The instance of Charles, however, is happily chosen. It will serve either as an example or as a warning:—As an example, should the Sovereign wish to fall with dignity, and, in his fall, to avoid making “shipwreck of a good conscience;”—as a warning, if he choose rather to preserve himself, and all the high and sacred interests committed to his charge, from falling at all.*

* The circumstances of the present day are not so wholly dissimilar to some of the incidents of that unhappy reign, as, amidst the security of our own land, we may be disposed to take for granted. From the opposite shore of St. George's Channel a voice has of late been repeatedly heard, threatening the utter destruction of the Church, unless the demands of what is called Emancipation be complied with;—and, even here, there are not wanting those, who tell us that such compliance would disarm the hostility, without stimulating the ambition, of the adversary. Now let us look to the former most calamitous æra, and learn from the experience of the spectators and the actors in that mournful tragedy, what reliance may be placed on the policy of timid and unjust concession. “The truth is,” says Lord Clarendon, “they who had made in their hearts the most destructive vows against the Church, never durst communicate their bloody wishes to their best friends, whose authority gave them their greatest credit.”—“The first design that was entertained against the Church, and which was received in the House of Commons with a visible countenance and approbation of many who were neither of the same principles nor purposes, was a short Bill that was brought in ‘to take away the ‘Bishops’ votes in Parliament, and to leave them out in all

I return to Dr. Milner. He does not confine himself to historical argument, but, as the title

“ ‘commissions of the Peace, or that had relation to temporal affairs.’ Many who were well-disposed to Episcopal Government were persuaded the passing that Bill would be no prejudice, so they prevailed with others, who heartily desired that there might be no such diminution of their honour and authority, by persuading them, that there was a great concurrence towards the passing this Bill,” &c. “but that if this Bill were once passed, a greater number in both would be so well satisfied, that *the violenter party would be never able to prosecute their designs*. And this reason did prevail over many men of excellent judgment, and unquestionable affections.” When, some months afterwards, it had passed both Houses, “Those of greatest trust about the King, and who were very faithful to his service, though in this particular exceedingly deceived in their judgments, and not sufficiently acquainted with the Constitution of the Kingdom, persuaded him that the passing of the Bill was the only way to preserve the Church ;” that “by the passing of it *many persons in both Houses would be so fully satisfied, that they would join in no further alteration* : but, on the other hand, if they were crossed in this, they would violently endeavour an extirpation of Bishops, and a demolishing of the whole fabric of the Church.”* “The passing that Bill,” such was the reflection of this great statesman, “exceedingly weakened the King’s party, not only as it swept away so considerable a number out of the House of Peers, which were constantly devoted to him, but as it made an impression on others, whose minds were in suspense, *as when foundations are shaken*.” They “never after retained any confidence that he would deny

* Clarendon, vol. i. p. 333.

of his Tract prepares us to expect, favours us with some reasoning as a casuistical divine. It will not be uninteresting to see a specimen of Roman Catholic casuistry on this subject. "In the first place," says he,† "it is evident, that a promissory oath, which at a certain period was good and valid, may cease to be obligatory by some *material change in circumstances*, either with respect to the object itself, or to any of the parties concerned in it; so that, for example, a measure which was originally wise, and beneficial, and desirable, becomes the reverse of all this."

Dr. Milner here is guilty of a most unphilosophical, but very convenient, inaccuracy of expression. In common parlance, a *material* "change in circumstances" is equivalent to an *important* change in circumstances; but the

"what was importunately asked; and so, either absolutely withdrew themselves from those consultations, thereby avoiding the envy, and the danger of opposing them, or *quietly suffered themselves to be carried by the stream, and to consent to any thing* that was boldly and lustily attempted. And then, it was so far from dividing the other party, that I do not remember one man, who vehemently insisted on, or indeed heartily wished the passing of that Bill, that ever deserted them till the kingdom was in a flame." Dii omen avertant!

† P. 27.

“ material change,” which Jurists intend, as a ground for evacuating the obligation of a lawful oath, is a change in the *matter* not in the circumstances. However, let us take Dr. Milner in his own way. “ Has there been no material “ change in the situation of the Church as “ well of the State since this oath was last “ taken, forty years ago ? * Was it foreseen at “ that time that Ireland, from being a depen- “ dency on Great Britain, would be associated “ in legislative union with it, &c. ? Was the “ French Revolution expected in those days ? “ In one word, is it from the side of Popery, or “ from the opposite quarter of Jacobinism that “ the Established Church is most in danger at “ the present day ? If this question be an- “ swered in the manner in which it must be an- “ swered, then I apprehend *the very obligation “ of maintaining this Church to the utmost of the “ Sovereign’s power* requires a different line of “ conduct and politics from that which was “ pursued at his Majesty’s accession to the “ crown.”

It is possible that this may be so ; and we only ask that Dr. Milner and others will allow his Majesty to decide for himself, and according to his own conscience, what is the line of con-

* Dr. Milner wrote this Tract in 1801.

duct, which the obligation of his oath, being equally valid as at the first, does now require.—But Dr. Milner undertook, and his argument required him, to show, *when an oath, originally valid, becomes invalid*;—and he ends with admitting of the oath in question, that it is as valid as ever!

But he goes further—he gives an illustration, a most fearful, though, I am very ready to admit, a most apposite illustration. “Suppose
 “you had thought proper to exact an oath from
 “your head steward, the purport of which was,
 “that he would watch over and preserve every
 “part of your property to the utmost of his
 “power; and that sometime afterwards, in
 “your absence, a lawless mob, or a crew of
 “pirates, had made a certain requisition of
 “corn or cattle at his hands, to be complied
 “with, under the threat of burning down your
 “house, and despoiling your whole property,
 “would you hold him bound by the letter of
 “his oath, in such new and unforeseen circum-
 “stances? Would you not expect from his
 “sense and integrity, that he should rather
 “attend to, and be guided by, the spirit of it?”

Most reasonable men would expect a person to be bound by the spirit of his oath, rather than by the letter, under all circumstances. In

the supposed case, the steward must certainly comply with the requisition. But in the case which is really in question, matters, happily, have not yet gone so far. True, there is "a lawless mob," a "crew of pirates," who tell us very plainly what they wish, and hope to do. But they have not yet got the means of doing it; and our steward has sense enough to see, and honesty enough to feel, that he is bound by his oath, not only not to supply the pirates with ships, and the mob with arms, but to take care to barricade our storehouse, and require all that are under him to stand to its defence. If these should be either such fools, or rogues, or cowards, as to neglect their duty, and counsel him to yield to the requisition, while he has the means to resist it; he will not hesitate to send them about their business, and take some honest sound-hearted fellows in their places.

But Dr. Milner favours us with some other cases, of evacuating a valid promissory oath, by the *remission* of the party in whose favour it was made, or by the *commutation* of the matter of it into something else, with that party's consent; or, lastly, by the *abrogation* of it by those who have proper authority, for this purpose, over the parties, or over the subject matter of the oath.

Of the remission, or commutation, I shall have better opportunity of speaking presently, when I address myself to Mr. Charles Butler. On the *abrogation* Dr. Milner has said certain things, which require a few words to be spoken to himself.

He is pleased to consider the Parliament, as having competent authority both over the Oath itself, and over the subject matter of it, the Church of England, to enable it to abrogate the Oath. "That such an authority exists in Parliament," says he, "in both these particulars, it would be treason to deny!" Then I am guilty of that treason, for I scruple not to deny both.

By *Parliament*, I suppose Dr. Milner means *the King in Parliament*; for, without the King, the Parliament has no authority,—rather, it has no existence whatever. But taking it as *the King in Parliament*; I venture to affirm, that his Majesty has no more right (his Majesty himself has nobly proclaimed the same truth,) to abrogate the obligation of the Oath he has taken, than the meanest of his subjects has to absolve himself from the Oath of Allegiance.

The reason, which Dr. Milner gives for his position, is the following:—"The present Coronation Oath owes its authority and its

“ *very existence to Parliament.*” “ *The same,*” he adds, “ *must be said of the Church itself, in*” “ *whose favour this Oath was devised;*”—A sneer too contemptible to merit refutation, or any further notice.

Mr. Charles Butler's Letter on the Coronation Oath.

I turn to Mr. Charles Butler's “ Letter on the Coronation Oath,” of which, it seems, the late publication of King George the Third's Correspondence has induced him to put forth a new edition. He has my hearty wishes that the sale of it may induce him to put forth many more editions: for it is most desirable, that it should be generally known, how very slender a case even the learning and acuteness of Mr. Butler are able to produce on this occasion. I will take his arguments in their order.

1. My readers will not be surprised to find, that this gentleman is too sound and constitutional a lawyer, and too prudent a man, to give any countenance to Mr. Jeffrey's silly hypothesis; he says not one word about the Oath “ affecting his Majesty in his executive capacity only.” On the contrary, he sets out with an argument drawn from 25 Edw. III. st. 6. which declares the King to be affected by the

Coronation Oath as legislator; “The right of
“the Crown of England and the law of the
“realm, is such, that, upon the mischiefs and
“damages which happen to this realm, the
“King ought, and *is bound by his Oath*, with the
“concord of the people in Parliament, *to make*
“remedy and law.”

Having already treated this matter, I shall content myself with referring to what has been said above.*

2. “No prospective act of the legislature can
“discharge the King from the paramount duty
“thus imposed upon him, of giving his assent
“to a Bill presented to him by the two Houses
“of Parliament, which *he himself approves of*
“and *deems salutary*.”

Suppose a King should arise, who “approves of and deems salutary” the changing the limited monarchy of England into an unlimited and arbitrary despotism; suppose, too, that a corrupt Parliament should be prevailed with to go still further than the Parliament of Henry VIII. actually went, and should pass a Bill making the proclamations of the Crown to be, in all cases, equivalent to statutes;—does Mr. Butler think that the King would not be bound by his Coronation Oath, to withhold his assent from

* Vide *supra*, p. 94.

such a Bill? Ought it to avail absolutely nothing in such a case, that the sovereign had *sworn* to “ govern the people of this kingdom “ *according to the laws and customs of the same?*”

Mr. Butler will not hazard so rash an assertion. He will, I am sure, see on reflection, that the Coronation Oath protects us, in the particulars therein provided for, not only from the wilful encroachments of an unprincipled tyrant, (with whom, indeed, such a bond would be good for little,) but also against the honest but mistaken views of any well-meaning prince, who might fancy it very “ salutary” to make his own will the law of the land. The plain truth is, that the Constitution has, by the Royal Oath, which in substance is as old as the Constitution itself, assisted, as well as limited, the discretion of the King, in determining what *is* salutary to the State.

But Blackstone says something “ of the “ omnipotence of Parliament;” of its uncontrollable power “ in making, restraining, abrogating, and repealing laws concerning matters of all possible denomination, ecclesiastical or temporal.” He avers most explicitly, that “ Parliament can alter the established “ religion of the land.”

It is very true, that Blackstone says all this ;

—and I will tell Mr. Butler something else that he says : “ *In order to prevent the mischiefs that might arise by placing this extensive authority in hands that are either incapable, or else improper, to manage it, it is provided, that no one shall sit or vote in either House, unless he be twenty-one years of age.*” So much for ‘incapable;’ now for ‘*improper.*’ “ It is also enacted, by 30 Car. II. st. 2, and 1 Geo. I. c. 13, that no member shall vote or sit in either House, till he hath, in the presence of the House, taken the Oaths of Allegiance, Supremacy, and Abjuration, and subscribed and repeated the Declaration against transubstantiation, and invocation of Saints, and the Sacrifice of the Mass.”

So much for the power of Parliament. Because it is “ uncontrollable,” the Constitution has taken the security of a sworn Declaration against Popery, to keep it out of “ *improper hands.*” It has further imposed the Coronation Oath, as an additional security for the exercise of the King’s share in the same power.

But Mr. Butler moreover shows, that, according to “ the ancient Constitution of England, the king could not bind his successors against the Liberty of the Crown.” This also is perfectly true, and it is no less true, as has

been shown already, *usque ad nauseam*, that "the Liberty of the Crown" never exempted him, who wore it, from the duty of preserving the Church of England.

To Mr. Butler's observations on the historical circumstances at the Revolution, and on the language of some of the speakers in the second debate on the Bill establishing the Oath, I have nothing to answer, beyond a reference to what has been said above.*

3. He next "considers the language of the "Coronation Oath." But to his remarks on this subject, I shall only say, that whether "the laws now solicited to be repealed, will "not," either by direct operation, or by just and necessary consequence, "interfere with "the legal establishment of the Church, with "its hierarchy," &c. or whether there be not a fair and reasonable ground of apprehension that such repeal would endanger the same,—is a question not to be decided by the dictum of Mr. Butler, but by the conscientious and deliberate conviction of the Sovereign who has taken the Oath.

4. Mr. Butler's fourth, and apparently most triumphant ground, is as follows: "In every "case where one person takes an Oath to

* Vide Supra, p. 100—105.

“ another, the person to whom, or *in whose favour*, the Oath has been taken, may, at his pleasure, release, either wholly or partially, the person taking the Oath, from all the obligations to which he bound himself by it.”

This is, I suspect, Mr. Butler’s favourite point, though it is not so entirely his own, as some of the others. Dr. Milner, in his “ Case of Conscience,” has urged it; so has Mr. Dillon, in his “ Essay.” This latter gentleman, indeed, has been pleased to say, that it “ must be admitted as decisive, and preclude the possibility of doubt on the subject.”

As I always wish to do justice to the argument, which I am answering, I will give Mr. Butler’s, on the present occasion, in its full strength,—which is, in truth, purely *typographical*.

“ THE CORONATION OATH IS MADE TO THE PEOPLE, AS REPRESENTED BY PARLIAMENT.”

After the reader has recovered from the effect which these imposing Roman Capitals must have produced on his vision, both corporeal and mental, he will perceive, that the proposition, conveyed by them, is one of the most unsound and inaccurate, that ever fell from the learned author’s pen;—that if trusted to *Ruby*, *Minion*, *Nonpareil*, or *Pica* itself, it could not

stand for a single instant. In the first place, the Coronation Oath is not made "to the People" *only*,—which, however, would be absolutely necessary, to make Mr. Butler's argument worth anything,—and, secondly, it is not made "to the People, *as represented by Parliament*," at all.

1. It is not made to the People *only*. There is one party in this most solemn transaction, of whom, I am sure, Mr. Butler has not intentionally lost sight. He "by whom kings "reign," the "King of Kings," is not merely invoked as a Witness, but Himself receives from his anointed servant, under circumstances of the most awful kind, at his Holy Table, a promise ratified by an Oath, and immediately followed (as our late good King* feelingly states it,) by the Sacrament of our Blessed Lord's body and blood,—a promise, that he will never be unmindful of the Almighty hand by which his Crown is given, but that he will, to the utmost of his power, maintain the laws of God, the true profession of the Gospel, and *the Protestant Reformed Religion established by law*. Where is the mortal Legislature that shall dare to abrogate this solemn vow?

* Letters from his late Majesty, p. 37.

But neither is this all. The Oath is, in part, taken not only in favour of, but also *to*, another human party, besides the people at large:—the Bishops and Clergy of the Church of England. These have an interest in the last clause of the Oath, which, whatever be the *power* of Parliament, it is certainly not within its moral competence to surrender. Nevertheless, it is, on this account, I imagine, that Mr. Butler's Roman Capitals exhibit the very curious statement, that the Coronation Oath is taken *to the people, as represented by Parliament*.

Now, as a matter of fact, it will be recollected, that Parliament has nothing whatever to do with his Majesty's Coronation. There is, in truth, no reason for the ceremony being performed during the sitting, or even the existence, of Parliament; and it has, I believe, of late, commonly taken place during the prorogation. The Peers bear part in it, not as Lords of Parliament, but as Peers of the Realm: the House of Commons does not bear part in it at all. Even at William's Coronation, which took place during the Session of Parliament, and only two days after the present Oath was established, *the lower House was expressly excluded*. "It is remarkable," says Ralph, "that the Commons, who had given

“ his Majesty the Crown, were not permitted
 “ to assist in putting it on ;”* and the Speaker
 acquainted the House, “ That his Majesty had
 “ been pleased to direct him to give notice to
 “ them, that he had appointed a gallery for
 “ their reception in the Abbey, and another in
 “ Westminster Hall, and a dinner to be pro-
 “ vided in the Exchequer Chamber; but *that*
 “ *his Majesty did not think it altogether conve-*
 “ *nient for the House to bear any part in the*
 “ *proceeding.*”†

The Bishops have, on the other hand, always borne an important part in the solemn ceremonies of that day. Not only must the King be crowned by an Archbishop, or Bishop, who administers the Oath to him, but an important clause of the Oath has always been taken especially *to* them. In the form which prevailed till the Revolution, this, as has been already seen, was most distinctly done :‡

* Hist. Eng. vol. ii. p. 71.

† Journals H. C., 5 April, 1689. The next day a Committee was appointed “ to examine how the Members of the
 “ House may, with the most convenience, see their Majesties’
 “ Coronation.”

‡ Then one of the Bishops reads this admonition to the King, before the people, with a loud voice. “ Our Lord and
 “ King, we beseech you to pardon, and to grant unto us, and

and the clause, which succeeded to it in the new form, is of equivalent force.—“*Archbishop*
 “*or Bishop.* Will you preserve *unto the Bishops*
 “*and Clergy* of this realm, and to the Churches
 “committed to their charge, all such rights
 “and privileges as by law do or shall appertain
 “unto them, or any of them?—*King.* All this
 “I promise to do.”

It appears, therefore, not only that it is not to the people, *as represented by Parliament*, that the Oath is taken, but that a part of it is not taken to the people at all.

There is, indeed, an argument often brought forwards, which, if sound, would fully meet the difficulty. It is said, that, all the estates of the realm being represented in Parliament, whatever is done by Parliament must be taken as done freely by all. So far as to give to an Act of Parliament the full assent of the general will of the people, this cannot be questioned; but whenever the nature of the case requires the particular assent of individuals, or of bodies of

“to the Churches committed to our charge,” &c. And the King answereth, “With a willing and devout heart I promise,
 “&c. and that I will preserve and maintain to you, &c. and
 “that I will be your protector and defender, to my power, by
 “the assistance of God, as every good King in his kingdom
 “ought to protect and defend the Bishops, and the Churches
 “under their government.”

men, then that particular assent must be obtained, if not to make the act legal, at least to make it what it professes to be, the voluntary act of such individual, or bodies of men.

If the doctrine of *virtual* representation is to hold in such cases, the consequences will be most absurd, as well as most iniquitous. For instance, if a person petitions against a railroad, or enclosure, bill, and the bill passes in spite of him, he may be told that he has no right to complain, for he himself consented to it, by Parliament, which represents the will and power of all the estates of the realm. An act of attainder, in the same way, may be said to have the consent of the party punished by it. Nay, to bring the matter closer to our present subject, if this doctrine be true, the Roman Catholics throughout the empire, especially those of Ireland, have no grievance whatever to complain of; for they have themselves freely consented, and they continue to consent, to the existing state of the law, by that Parliament which represents *them*, as well as every other class and description of his Majesty's subjects.

What, then, it may be asked, is the question of concession to the Roman Catholics to depend, after all, on the consent of the Bishops and Clergy? Most certainly not: nothing so

extravagant was ever contemplated. All that is contended for is this, that the King being bound by his Coronation Oath to the Bishops and Clergy to preserve their rights and privileges, the two Houses of Parliament cannot absolve his Majesty from that obligation; on the other hand, whenever those rights and privileges are affected or endangered, the Bishops and Clergy have no right to prescribe to his Majesty what particular course he ought to pursue, but the decision must be left to his own conscience, under the awful sanction of the Oath which he has taken.

To sum up the whole, the King has sworn in his Coronation Oath *to Almighty God*, that “he will, to the utmost of his power, maintain the Protestant reformed religion established by law.” From this Oath no earthly power can absolve him. He has also sworn *to the Bishops and Clergy*, that “he will preserve to them and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain to them, or any of them.” From this Oath it is not in the power of *Parliament* to absolve him.

I have felt it necessary to state this matter more largely than it may seem to require, because, by means of it, frequent attempts have

of late been made to get rid altogether of the obstacle which this Oath presents to the schemes of our modern innovators. Dr. Milner has suggested a *Bill* to be presented by the two Houses of Parliament to his Majesty, "declaring, in the name of his subjects, that they no longer hold him bound to the obligations of the Oath, which they had formerly exacted of him; on the other hand, the King, by passing such an act, would declare that he accepted of this remission of his obligation."* Such is the mode of discharging the Royal conscience which the late Roman Catholic Bishop of the midland district was so considerate as to devise. A learned Layman of that communion, Mr. Dillon, seems to prefer proceeding in a somewhat different way. "Why," says he, "should not both Houses of Parliament, the constitutional organs of the public voice, pass a *resolution* upon the subject calculated to remove at any period all scruples in the Royal mind upon a point of such importance to the tranquillity and prosperity of the empire?" Or, if it be determined to proceed by Bill, he would rather "that *the three estates of the realm in Parliament assembled*

* Case of Conscience, p. 76.

“ shall present a Bill to his Majesty, praying
“ that the disabilities to which the Catholics
“ are liable may be removed ;” to such a Bill,
he adds, “ surely his Majesty may grant his
“ royal sanction, since the very form of the Bill
“ expressly states, that the measure is proposed
“ with the *advice and consent* of his subjects.”
Mr. C. Butler would approve any one of these
methods ; for, as he affirms, (with all the force
that uncial letters can give,) that “ the Coro-
“ nation Oath is made to the people, as repre-
“ sented by Parliament,” he very consistently
argues, that the people, represented by Parlia-
ment, being the persons, and the *only persons*,
entitled to the benefit of the Oath, have full power
and authority to release the Monarch who took
the Oath, and all his successors, from its obli-
gations.

These are the ingenious devices of Roman
Catholic casuists, clerical and lay. Our Pro-
testant lawyer, Mr. Jeffrey, proves his admirable
fitness for the office of “ Keeper of the King’s
“ Conscience,” by a much more effectual expe-
dient, by a bit of special pleading, which he may
safely challenge any one of his English brethren
in Westminster Hall, or at the Old Bailey, to
equal. “ The thing promised,” says he, “ is,
“ to support the religion established *by* LAW,

“ the rights and privileges promised to be pre-
 “ served are those which ‘ are, or shall’ be
 “ given to the Church ‘ *by law.*’ ”* It follows,
 that all the King is bound to do, in order to
 satisfy at once the obligations of this Oath, and
 the demands of any of the enemies of the Church
 who may chance for a time to get a majority in
 Parliament, is, to attack the Church *by law*, to
 take away *by law* its rights, privileges, and
 establishment, and then the very subject matter
 of the Oath is removed, and the King may join
 in overturning the Church with a safe con-
 science.

Such is the crowning achievement of modern
 liberality, as applied to the Royal Oath: it will,
 doubtless, in due time, be equally successful in
 accommodating the duty of subjects, and the
 “ Oath of Allegiance,” to its plans for the im-
 provement of the social system. Meanwhile,
 I am old-fashioned enough to remind my readers,
 that Oaths have been wont to be considered
 pre-eminently, as *stricti juris*, as admitting no
 laxity of interpretation, no sense to be put upon
 them, which a pious and prudent mind would
 not easily, and at first sight, deduce from the
 words in which they are conceived: again, that

* Edinburgh Review, No. 91, p. 169.

singleness and simplicity of purpose are peculiarly demanded by this sacred obligation. *Juramentum ante omnia decet simplicitas.* Such are the feelings, which every sound moralist enjoins, such too are the feelings, we are proud and thankful to acknowledge, with which our present most gracious Sovereign regards his oath,—“ I will, *to the utmost of my power*, maintain the Protestant Reformed Religion established by law:”—and Mr. Jeffrey, and all his band, may wear their pens to the very stump, before they move Him from the adamant rock on which his righteous purpose is fixed.

5. To return to Mr. Butler: his next argument is derived from “ the conduct of his Majesty’s august predecessors, which incontrovertibly shows, that they, the Parliament, and the nation, have uniformly construed the Coronation Oath in the sense which” Mr. Butler “ suggests.”

Of the conduct of our sovereigns, before the Revolution,* I have already said all that is necessary. Of *King William III.* he states two things; first, that immediately after he had

* Mr. Butler will allow me to remind him, that he is under a grievous error in stating that Edward VI. had sworn to support the (Roman) Catholic Religion.

taken the Coronation Oath he assented to the Bill, which (in accommodation to the conscientious scruples of certain Protestant Dissenters) altered the Oath of Supremacy from an “affirmation of the King’s ecclesiastical supremacy in this realm to a negative assertion that this supremacy is not possessed by any foreign power.” “Now this,” says Mr. Butler, “was a breach of the Coronation Oath, unless our interpretation of it be admitted,” namely, that “the consent of Parliament frees the monarch from the obligation.”

In order to undeceive Mr. Butler on this point, I will give him the words of William himself, in answer to an address from the House of Commons, on the very next day after the House had gone into a Committee on the Lords’ amendment to that Bill,—“Though I have had many occasions of assuring you, that I will maintain the Church of England as by law established, yet I am well pleased with every opportunity of repeating those promises, which I am resolved to perform:”—“it is a great satisfaction to me, that, by the success God has given me, I am in a station of defending this Church, which has effectually shown her zeal against Popery, and *shall always be my peculiar care*: and *I do hope that*

*“ the ease you design to Dissenters will contribute
“ very much to the establishment of this Church.”**

It appears, therefore, that William passed this Bill, not because “ the consent of Parliament
“ freed him, in this instance, from the obliga-
“ tion” of his Oath, to preserve, to the utmost
of his power, the Protestant Reformed Religion,
established by law, but because, by passing it,
he believed himself to bring new strength and
security to the Church. The same remark ap-
plies to the argument drawn by others from
William’s assent to the Toleration Act.

After all, however, can it have escaped Mr.
Butler’s recollection, that this alteration of the
Oath of Supremacy really *preceded* the esta-
blishment of the Coronation Oath, that it was
part of the Declaration of Rights—nay, that it
had been *already enacted*, in the case of Mem-
bers of both Houses of Parliament, by the 1st
W. & M. c. 1. ?

But he has another important instance to his
purpose in the conduct of William. “ *The
“ same Monarch took an Oath to maintain the
“ Church of Scotland, which was at that time
“ Episcopalian ;* but he soon afterwards made

* Journals of the House of Commons, 20th April, 1689.

“ a new settlement of the Scottish Church in
“ the *Presbyterian* form.”

Mr. Butler must here permit me to express my regret, as well as astonishment, that he should, however unintentionally, have allowed any work, bearing his very honourable name, to be the medium of conveying this foul and unfounded charge on one of the most conscientious sovereigns that ever sat on the English throne. A very little inquiry,—and surely it was his duty to have made *much* inquiry, before he hazarded such an assertion,—but, a very little inquiry would have been sufficient to inform him, that the fact was directly contrary to his assertion. “ A convention of states,” says Burnet,* “ was summoned in Scotland, as in “ England.” “ On the 11th of April (1689), “ they declared William and Mary King and “ Queen of Scotland. But with this, *as they* “ *ordered the Coronation Oath** to be tendered to

* Hist. own Times, ii. 21—23.

† This Coronation Oath itself is extant in Parl. Hist. vol. ii. p. 259 (Lond. 1742.)“ We, William and Mary, &c. faithfully “ promise and swear, &c. that we, according to the same Holy “ Word, shall maintain the true Religion of Christ Jesus, the “ preaching of his Holy Word, and the due and right minis- “ tration of the Sacraments, *now* received and preached within

“ them, so they drew up a claim of Rights,
“ which, they pretended, were the funda-
“ mental and unalterable laws of the kingdom.
“ By one of these it was declared, that the
“ Reformation in Scotland having been begun
“ by a parity among the clergy, *all Prelacy in*
“ *that Church was a great and insupportable*
“ *grievance to that kingdom.*” Burnet proceeds
to show how this was brought about (by “ the
“ bishops, and those who adhered to them,
“ having left the convention,”) and thus con-
cludes, “ upon this, *the abolishing Episcopacy in*
“ *Scotland was made a necessary article of the new*
“ *settlement.*”

Happily, Mr. Butler is not always thus inaccurate. He says, truly, of King George the Third, that he gave his sanction to divers Acts of Parliament, relieving his Roman Catholic subjects in England, Scotland, and Ireland, from “ more than three-fourths” of all their alleged grievances. But Mr. B. argues most inconsequentially, that his Majesty’s conduct in so doing was inconsistent with his construction of the Coronation Oath. As I have already

“ the Realm of Scotland ;”—“ and shall procure, to the ut-
“ most of our power, to *the Kirk of God, and whole Christian*
“ *people, true and perfect peace in all time coming,*” &c.

spoken to this point, in what I have said to Mr. Jeffrey,* I will not here recur to it.

7. His seventh averment is “ That the claim “ of Ireland to the relief solicited is peculiarly “ strong,” from the expectations held out at the Union, first by the particular statesman who carried that measure into execution, and, secondly, by certain words in the Act of Union itself.

Mr. Butler begins with citing the following words of Mr. Pitt, when he proposed the Articles of Union to the House of Commons: “ No man can say, that, in the present state “ of things, and while Ireland continues a separate kingdom, full concessions can be “ made to the Catholics, without endangering “ the State, and shaking the Constitution to “ the centre.”—Reader, gentle Reader, this is all the evidence of Mr. Pitt’s engagements to the Roman Catholics of Ireland, which Mr. Charles Butler—the able and indefatigable, the zealous and devoted advocate of the Roman Catholic cause during the last forty years—has been able to discover in all the speeches which Mr. Pitt ever delivered! But on this small scrap, he is pleased to rear the following mag-

* Vide *supra*, p. 60.

nificent demand. “Is not this saying, that, “after the Union should have taken place, *full concessions might be made to Ireland without danger?*”

“The Member, who proposed the Union, “expressed himself,” it seems, “in similar “terms” to those of Mr. Pitt; but Mr. Elliot, who “might be supposed to have some official “knowledge” on the subject, says something much more to the purpose. “It is true, indeed, that no bond was given to the Catholics on that point; but there were certainly expectations, and *something like promises held out to them, which, in my mind, ought “to be more binding than a bond.”* How, in such a case, *something like promises*, given by those who had no right to bind any but themselves, should be more binding on others, than actual promises, or than a bond, is past my comprehension. That those who gave these “something like promises,” ever flew from their engagement, is not even pretended. To be sure, a Right Honourable Gentleman did last year give notice of a motion in the House of Commons for the purpose of enabling him to state what had fallen under his own knowledge of promises and pledges, given to the Roman Catholics, at the Union. But as that Right Ho-

nourable Gentleman did not think fit to avail himself of his own notice, but chose rather to serve his countrymen; both Roman Catholic and Protestant, in the more pressing business of his Majesty's Treasury—his testimony cannot be added to that which has been already cited. Perhaps, on some future occasion, when released from the burthen of Treasury business, he may be more communicative. Meanwhile, I will give two or three trifling pieces of evidence on the other side.

On the 13th of May, 1805, Mr. Fox, speaking directly to this very point, said as follows: “ I have been told, that at the time of the Union, *no distinct promise of redress* was made to the Roman Catholics, and *I believe it*. No minister could promise that which depended upon the determination of Parliament. The *Right Honourable Gentleman opposite* could *have done nothing more than promise to recommend their claims.*”*

Mr. Pitt himself thus observed on these words of Mr. Fox, in the adjourned debate, on the following night—“ I felt, that in no possible case, previous to the Union, could the privileges now demanded be given, consis-

* Hansard's Debates, vol. iv. p. 849.

“tently, with a due regard to the Protestant
“interest in Ireland, to the internal tran-
“quillity of that kingdom, the frame and
“structure of our Constitution, or the proba-
“bility of the permanent connexion of Ireland
“with this country. It is true, Sir, that, *after*
“*the Union, I saw the subject in a very different*
“*light*; but, whilst that event was in contem-
“plation, I did state, as the Honourable Gen-
“tleman says, that the measure would make a
“material difference in my opinion; but he
“has also stated, what is very true, that *I did*
“*not make a distinct pledge. On the contrary, I*
“believe the line of argument I took was, that
“if it should be thought right to give what the
“(Roman) Catholics required, it might be
“given after the Union with more safety to
“the empire; or, *if it were thought proper to*
“*refuse giving it, that it then might be refused,*
“without producing those disastrous conse-
“quences, which might have been apprehended
“before the Union.”*

On the 25th of May, 1810, Lord Castlereagh (who, I need not say, was the minister more particularly engaged in all the details of the Union in Ireland,) adverted, in his place in the

* Id. p. 1015.

House of Commons, to “ the insinuations falsely
 “ and ignorantly thrown out of pledges given
 “ to the Roman Catholics.” “ He asserted that
 “ *none such existed* to his knowledge, and he
 “ could venture to make the same assertion on
 “ behalf of those with whom he had acted.”
 He admitted that speeches were made in Parlia-
 ment at the time, on which the Roman Catholics
 formed expectations, — “ but those speeches
 “ could only conclude the individuals who made
 “ them, they could neither commit the Parlia-
 “ ment nor the Government, *whose language*
 “ *uniformly was, that it was a question which must*
 “ *remain for the unfettered wisdom of the united*
 “ *Parliament* to dispose of; and so pointedly
 “ distinct was *Mr. Pitt’s* language on the sub-
 “ ject, that, when opening the measure, after
 “ setting forth all the immediate advantages of
 “ Union, *he expressly argued*, that it would be
 “ more safe, in an united legislature, either to
 “ concede, or to *refuse*, the Roman Catholic
 “ claims.

“ So anxiously solicitous was the Irish Go-
 “ vernment not to mislead the Roman Catholics
 “ with false hopes, that they never gave them,
 “ during the two years the Union was in agi-
 “ tation, *any reason to know what line Mr. Pitt*
 “ *was likely ultimately to take upon their measure.*

“ In consequence of this studious reserve on
“ their part, *much of the influence of the Roman*
“ *Catholic body was exerted against the Union*, and
“ so little did the Roman Catholics, who had
“ been in communication with the Irish govern-
“ ment, feel themselves entitled, from any pre-
“ vious explanations they had received, to ex-
“ pect Mr. Pitt to take the decisive line he did
“ in favour of their claims, that he believed his
“ doing so was a matter of considerable sur-
“ prise to them.”*

Shall I give further evidence? Yes: there remains one testimony too decisive, and too venerable, to be withholden. Our late gracious King himself has, in his first letter to Mr. Pitt, given the following statement of his own notorious declaration on the subject; after which, if the minister had ventured to commit the government by any pledge, promise, or “something like promise,” to the Roman Catholics, he must have been one of the silliest as well as basest of men.

* Speech of Lord Viscount Castlereagh on the 25th of May, 1810. Stockdale. 1810. pp. 33—35. The importance of this testimony, and the use lately made (Speech of Lord Rossmore at a meeting of the British Catholic Association) of the supposed pledge given to the Irish Roman Catholics before the Union, induces me to add some further important documents. See Appendix, Note C.

“ When the Irish Propositions,” said his Majesty, “ were transmitted to me by a joint
 “ message from both Houses of the British Par-
 “ liament, I told the Lords and Gentlemen sent
 “ on that occasion, that I would with pleasure,
 “ and without delay, forward them to Ireland;
 “ but that, as individuals, I could not help ac-
 “ quainting them, that my inclination to an
 “ Union with Ireland was principally founded
 “ on a trust, that *the uniting the Established*
 “ *Churches of the two Kingdoms would for ever*
 “ *shut the door to any further measures with re-*
 “ *spect to the Roman Catholics.*”*

So much for the expectations held out by the King’s minister at the time of the Union. But Mr. Butler has a stronger ground to take, than the language of any minister. He has the words of the Act of Union itself, blazoned by him again in all the dazzling majesty of Roman capitals.

“ It enacted, That every of the Lords and
 “ Commons of the Parliament of the United
 “ Kingdom, in the first and every succeeding
 “ parliament, should, UNTIL THE PARLIAMENT
 “ OF THE UNITED KINGDOM SHOULD OTHERWISE
 “ PROVIDE, take the oaths then provided to be
 “ taken.” “ Is not this,” says Mr. Butler, “ an

* “ Letters from his late Majesty,” &c. p. 38.

“ explicit intimation, that a change of oaths,
“ after the Union, in favour of the Catholics,
“ was then contemplated? Was not a sure and
“ certain hope of it held out to them by these
“ words? Is it not *incontrovertible* proof, that
“ all the statesmen who favoured the Union
“ were convinced that Catholic Emancipation
“ might be granted without affecting the Coro-
“ nation Oath?”

There is something quite refreshing in the contemplation of the vigorous and sanguine temperament of Mr. Butler—in witnessing his more than youthful facility of convincing himself of the truth of every thing he at any time wishes to believe. It is my somewhat invidious task, to chill his genial ardour, and to dispel the visions of his creative fancy. In the present instance, I must inform him, that the words, on which he lays so much stress, are, together with many other words, *copied from the Act of Union of Scotland*,* and, therefore, that just so much (and no more) encouragement was held out by them to the Roman Catholics, as was afforded by the preceding statute,†—which enacted that all the disabilities, the repeal of which would constitute what Mr. Butler calls

* 5 and 6 Anne, c. 8. art. 22.

† The same, sect. 7.

emancipation, "*shall remain and be in full force for ever.*"

8. But Mr. Butler is too good a general not to provide for every contingency. He has a force in reserve, sufficient to restore the fortune of the day, even if he should be beaten at every point. We have it in his Argument, No. 8, "Strange as after so much has been said on the subject it must necessarily appear, all this discussion, so far as Ireland is concerned in it, is absolutely superfluous—a mere waste of words."

It would have become a generous enemy, like Mr. Butler, to have drawn out this overpowering argument in the beginning of the day, and so, by compelling a surrender, to have saved all that unnecessary "waste of words" which he so feelingly deploras. As it is, I too have a little reserve, with which I must do the best I can. But to the point:—"The Coronation Oath," says Mr. B., "was fixed in Ireland by the 1st of William & Mary. In Ireland, at that time, Roman Catholics held their seats and voted in the House of Lords; Roman Catholic commoners were eligible to the House of Commons, and all civil and military offices were open to them. They were deprived of these rights by the Acts of the 3d and 4th of

“ *William & Mary, and the 1st and 2d of Queen Anne.*” “ To those laws, therefore, or to any similar law, the Coronation Oath cannot, with a semblance of propriety, be referred.”

To this formidable charge of logic and chronology combined, I have one small fact to oppose—that by the *5th and 6th of Anne, c. 8.* (the Act of Union with Scotland) after providing (as I have just stated) that all the laws then in force for the establishment and preservation of the Church of England, shall remain and be in full force for ever, it is enacted, “ That every future King or Queen of England, at his or her Coronation, shall take and subscribe an Oath to maintain and preserve inviolably the *said* Settlement of the Church of England, as by law established, within the kingdoms of England and IRELAND.”

I have thus examined every argument and statement, of which I am myself aware, affecting either the *extent* of the obligation of the Coronation Oath, namely, to the whole kingly office, or to its applicability to the question of the Roman Catholic claims, both in England and in Ireland.

*Mr. Pitt's Letter to King George III. Jan. 31,
1801.*

But my task is not completed. As I undertook it, in defence of the Royal Correspondence, lately published by me, I feel myself bound to notice those parts of that Correspondence which have been, most unreasonably in my opinion, claimed as advantageous to the cause of the Roman Catholics. Some of these have been already treated; of the remainder, the most considerable is the first letter of Mr. Pitt.

Of that letter, it is scarcely possible to speak in terms of too exalted praise. Distinguished by the most finished grace of composition, it possesses the infinitely higher merit of combining the utmost freedom in delivering the writer's own sentiments, on a great question of national policy, with the most respectful and reverential regard to the dignity of his royal master. Never was there any thing less like dictation, or the presumption of conscious talent. His Majesty, on his part, proved himself worthy of being thus addressed by one of the ablest and most faithful counsellors it was ever the fortune of a Sovereign to call his own.

Who can read, without emotion, the dignified expression of his warm affection for the minister, whose honest counsels, on this great question, his own honest and long-considered principle of religious duty forbade him to follow? Who can read his earnest entreaty to that minister, to continue his services to him to the end of his then declining life, without deeply lamenting, that any conflicting principles of duty and honour, in two such men, should have led even to a temporary separation between them? Above all, who could make the Royal Writer's less polished diction, in giving utterance to his noble sentiments, a theme for sneer and insult? Who, but one, who, if he ever had a heart capable of generous and loyal feeling, has hardened and debased it by the long-continued habit of "sanctioning and super-intending" anonymous attacks on the fame or feelings of his equals?—But I am ashamed of mixing such a person's concerns with the high subject before me. I return to Mr. Pitt's first letter.

Looking to the matter of it, we find it to consist of two most important parts; first, of an able, brief, but comprehensive statement of all the reasons ever adduced for granting the claims of the Roman Catholics. I know not

that any considerable argument in favour of that measure is there omitted, except those, which both the King and the minister would have equally disdained, the arguments addressed to the fears of Englishmen: nor am I aware of a single reason there given, which had not been urged elsewhere by Mr. Pitt himself or others. To that part of his letter I shall not presume to say any thing.

But, secondly, it contains a clearer and fuller statement of the conditions, which he proposed to annex to concession, than has before been given to the public. It is, on this account, above all others, that the letter appears to me of inestimable value.

Let us look at these conditions a little in detail.

1. The first is a continuance of the Oaths already required to be taken by Roman Catholics in Ireland.

2. The gradually attaching their clergy to the government, and, for this purpose, making them dependent for a part of their provision (under proper regulations) on the state.

3. The subjecting these Popish Clergy to *superintendence and control*.

4. The requiring a distinct political Test, pointed against the doctrine of modern Jaco-

binism, from the Preachers of all Roman Catholic Congregations, and from the Teachers of all their Schools.

Such were his proposed conditions affecting Roman Catholics; but as the repeal of the Test and Corporation Acts in England, would make Protestant Dissenters admissible to offices which they cannot now hold, and as some of them, “it is feared, entertain principles dangerous to the Constitution,” it was part of Mr. Pitt’s plan to require from them the political test, as “a much more just and more effectual security, than that which now exists.” This same Test was moreover to be required “from the preachers of all Dissenting Congregations, and from the teachers of Schools of every denomination.”

“It was on these principles Mr. Pitt conceived a new security might be obtained for the civil and ecclesiastical constitution of this country, more applicable to the present circumstances, more free from objection, and more effectual in itself, than any which now exists.”

1. Of the conditions affecting the Roman Catholics, the first, the continuance of the present Oaths, does not need any remark. It is a security of no mean nature, and might be im-

proved by one or two easy alterations; in particular by omitting the qualification in one of its present most important clauses, "I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, *for the purpose of substituting a Catholic Establishment,*" and by substituting, for the disclaimer of all intention, *a positive engagement* not to assist in any plan, to subvert the present Church Establishment. Surely, such a condition would not be too much to require, even at present, from any sect of religionists tolerated by the state.

2. Of the second of these conditions, that which relates to a provision for the Roman Catholic clergy, it is especially worthy of remark, in how guarded a manner Mr. Pitt speaks of it, even in the brief summary of his plan, which he here presents. That great man, doubtless, saw the just objections to such an expedient, and was prepared to obviate them. "*Under proper regulations,*" he wisely considered, that the measure would tend to attach its objects to the government. *Without proper regulations,* he was well aware, that it would tend only to excite their ambition, and encourage their hopes of further advantages. If given to them to be enjoyed as a right, and not to be

forfeited, otherwise than by such misconduct as the law of the land would punish, it would have amounted to nothing less than an establishment. Yet such was the measure, which, in the session of 1825, was actually received with favour in the English House of Commons;—the Bill conferring it had an ascertained passage through that House, and the Roman Catholics of Ireland were brought to regard it, not as a boon for which it became them to be grateful, but as a mere act of scanty justice which the legislature besought them to take in good part. They had, it is true, shown, from the first, no disposition to be satisfied with any pecuniary provisions of a less independent nature. Dr. Doyle had plainly told the Committees, that he and his brethren would rather receive nothing from the State, and that certainly if they received at all, it should be on such terms only as should give them a vested life-interest in the grant.* The obsequious House of Commons framed their measure accordingly; and Mr. O'Connell, when reproached by his less judicious associates for having acceded to an expedient which bore the name, if not the semblance, of a security to this Protestant

* Evid. Com. of H. of C. 1825, pp. 184. 210.

“Establishment,” justified himself by characterizing very truly the prospect of carrying this measure as “*the likelihood of establishing, like the Scotch, an Established Church.*” *

Mr. Pitt was too wise to entertain for a moment the notion of such “a security.” His guarded proposal of making a provision for the Roman Catholic Clergy, “*under proper regulations,*” proves that he had a very different plan in view—such a plan, most probably, as is pursued towards the Presbyterian Ministers in Ireland, a *Regium Donum*, which might be withdrawn at any time, but would certainly never be withdrawn, so long as its objects proved themselves worthy of the bounty of the State.

3. The third of Mr. Pitt's conditions, that of “*subjecting the Popish Clergy to superintendence and control,*” (I use his own strong language) would have been the most difficult to effect, though on every account the most important. That Mr. Pitt thought it indispensably necessary to any tolerable plan for removing the political disabilities of the Roman Catholics, is placed beyond all question by the invaluable document

* “Catholic Meeting,” (abridged from Dublin Freeman's Journal,) St. James's Chronicle, July 14, 1825.

before us. He was not a man who would trifle with his Sovereign in such a transaction, much less who would attempt to cajole either the Sovereign, or the country, by the show, without the reality, of securities. I will not therefore insult his memory by making it a question, whether he would have been either a dupe, or an accomplice, in the contemptible fraud practised successfully on the House of Commons by the Bill of 1825. “The superintendence and control,” to which *he* would have required the Roman Catholic Clergy to be “subjected,” must have been real and effectual; every thing short of that would have been rejected with scorn by his lofty and honourable mind.

Whether the practical difficulties attending the settlement of such a point would have been found too great even for Mr. Pitt to overcome, is a question into which it is not necessary now to enter. That these difficulties, great in themselves, have, since his time, become incalculably greater, is unhappily too manifest; nor does there appear the smallest reason to believe, had he been spared to his country to the present day, that, according to the principles uniformly proclaimed by him, he could now be found among the advocates for concession. It is true,

that he never would have endured that the mischief should have reached its present hideous magnitude, without any attempt to keep it down; he never would have endured that the known laws of the land should be outraged with impunity,—that they, whose duty it was to execute and enforce those laws, should not only witness their violation with calm complacency, but should, even in their place in Parliament, themselves pronounce the most plausible excuse for past delinquency, and administer the strongest provocative to future excesses:—above all, he never would have endured, that the Majesty of British Legislation should be made the scorn and laughing-stock of Irish demagogues—that an illegal association, put down by an express statute in one month, should, in the next, rear its brazen front, without even the decent hypocrisy of a change of name,—should beard Parliament with its insolent defiance,—should raise a revenue for the purposes of disaffection—should even make the shameless but not the imprudent avowal, (for confidence, in such a case, is strength,) that the collection of this revenue is not merely a contribution for past or present charges, but a bond of union and a pledge of future co-operation,—in the revolution-

ary jargon of the day, it is "*a means of organizing and affiliating the people.*"*—All this, I repeat, would not have been endured, had Mr. Pitt still guided the helm of government,—aye, or had any one truly British statesman felt himself responsible, in his own individual fame, for the results of the policy which has been pursued. It was only when we were given over to divided councils and conflicting principles,—worst of all, when the wretched system was adopted, of compromising all difference of opinions, by acting upon none,—of banishing even the name of Ireland from the deliberations of our rulers,—of putting off to "*a convenient season*" the most perilous and urgent concerns of that distracted country, — "*stultâ dissimulatione, remedia potiùs malorum, quàm mala, differentes,*"—it was only then, that we reached the full maturity of our present evils,—evils so great, that we can neither bear their pressure, nor endure their cure; but we go on, from day to day, from year to year, seeking, by any wretched nostrum the quackery of the age can furnish, to palliate a corroding plague, which is fast

* So it has been lately called by Mr. Shiel, who adds, "Every man, who contributes the smallest fraction of money, becomes the member of *a vast corporation instituted for the liberty of Ireland.*"

eating to our very vitals.—Thank God! even while I am writing, the dawn of a brighter day has beamed upon us. We are again cheered with the prospect of a wise, and, above all, an *uniform* system of policy:—We are again permitted to hope, that any scheme of concession to our Roman Catholic or other dissenting countrymen—should any be deemed practicable—will be tempered by at least as provident a care of all the vital interests, all the fundamental and integrant portions of this Protestant State, as marked the conduct of Mr. Pitt.

4. To the fourth and last condition, proposed by him to accompany concession, let me now advert,—“ a *political* Test, pointed against the “ doctrines of modern *Jacobinism*, to be taken “ by the Roman Catholic Clergy and School- “ masters, as also by the Teachers and School- “ masters of all other denominations of Dis- “ senters.”

What the terms of that Test were designed by him to be, is not disclosed in the brief statement of his plan comprised in this letter. That it included as full an acknowledgment, as words could make, of the rights of the Established Church, and as strong a pledge of faithful observance of them, cannot be doubted: for of all “ the doctrines of modern Jacobinism,” against

which the new Test was to be directed, none was, or is, more prominent, or more inveterate, than hostility to every Established Church. This, therefore, must be added to the account, before we have attained the full sum of security designed by Mr. Pitt.

Test devised by Mr. Burke; and the Authority of Mr. Burke.

And here it is not irrelevant to recur to the opinion of his illustrious contemporary, whose name, like his, is constantly and triumphantly claimed by the partisans of concession,—I mean Mr. Burke. Whether there had been at any time any communication between these two great statesmen on the subject of this “Political Test against the doctrines of modern Jacobinism,” in lieu of the existing religious Test, we have no sufficient evidence to enable us to assert. But it is most remarkable, that in the posthumous works of Mr. Burke, published since Mr. Pitt’s Letter to the late King was written, we find such “a Political Test,” drawn with much deliberation, and intended to have been proposed in Parliament in 1790, if, contrary to Mr. B.’s declared opinion and vote, the motion then made for repealing the Test and Corporation Acts, in favour of Protestant Dis-

senters, had been successful. The following is that Test, to the terms of which, coming from such an authority, it cannot be necessary for me to invite the particular attention of every reader.

“ I A. B. do, in the presence of God, sincerely profess and believe, that a Religious Establishment in this State is not contrary to the Law of God, or disagreeable to the Law of Nature, or to the principles of the Christian Religion; or that it is noxious to the community; and I do sincerely promise and engage, before God, *that I never will, by any conspiracy, contrivance, or political device whatever, attempt, or abet others in any attempt, to subvert the Constitution of the Church of England, as the same is now by law established, and that I will not employ any power or influence, which I may derive from any office corporate, or any other office, which I hold, or shall hold, under his Majesty, his Heirs and Successors, to destroy and subvert the same; or, to cause members to be elected into any corporation, or into Parliament, give any vote in the election of any member or members of Parliament, or into any office, for or account of their attachment to any other or different religious opinions or establishments, or with any hope, that they may promote the same to the prejudice of the Established Church, but will dutifully and peaceably content myself with my private liberty of conscience as the same is allowed by law.*”*

* Burke's Works, vol. x. p. 61. octavo.

Such is this remarkable document. It is valuable on many accounts, but, most especially, as affording the plainest evidence of what Mr. Burke considered to be the necessary and indispensable duty of Parliament in every case, in which it is proposed to remove any of the existing securities of the Established Church. It is an obvious consequence, that, whenever Mr. Burke was found among the advocates for any change of the law on this fundamental point, he must be always understood as meaning either to provide some stronger bulwark for the Church by the proposed change, or, at least, not to diminish its existing security. Carrying this principle with us, and adding to it the evidence derived from other parts of his writings, we shall find it easy to show that Mr. Burke, like Mr. Pitt, if he were now alive, would, of necessity, be adverse to the *present* claims of the Roman Catholics. I say this, with full recollection of the argument of his first Letter to Sir Hercules Langrishe, and with perfect readiness to give due weight to all that he urged in favour of the concessions *then* sought. In truth, this one expression, "*then* sought," is the clue to the whole labyrinth, if there be one,—the answer to all, or almost all, the arguments founded on this great man's au-

thority on the question. All that was then sought, and, in one most important particular, more than all, has long ago been granted. The Irish Act, of 1793, gave to the Roman Catholics all that Mr. Burke laboured, by that letter, to obtain for them; and it moreover threw into the chalice one fatal ingredient, which has corrupted and poisoned all the rest—has perverted what was meant for a cup of blessing,—a well-spring of mutual love and lasting tranquillity,—into a source of bitterest and deadliest hatred,—a stimulant to the most insatiable and turbulent ambition; I mean, the unrestricted grant of the elective franchise.

Mr. Burke's argument had not this grant in contemplation. He sets out with stating, that he knows not with certainty what the Roman Catholics intend to ask, but that he “conjectures, something is in agitation towards admitting them, under *certain qualifications*, to have *some share* in the election of Members of Parliament.”* Now if, under these impressions, he had used the strongest and most unqualified terms in favour of their cause, still this limitation in the outset must, in all fair construction, have been held to qualify and miti-

* Letter to Sir H. L., Burke's Works, vol. iii. p. 547.

gate the whole. But this is not the case ; often, in the course of his argument, he repeats and insists on the limitation. Why, he asks, is it inconsistent with the Coronation Oath for the King to “ restore to his Roman Catholic people, *in such measure, and with such modification, as the public wisdom shall think proper to add, some part* in those franchises which they formerly had held without any limitation at all?”* Nay, at the conclusion of the whole, he says expressly, “ the object pursued by the (Roman) Catholics is, I understand, (and *have all along reasoned as if it were so,*) *in some degree or measure*, to be again admitted to the franchises of the Constitution.”

This being so, with what fairness can it be pretended, that the authority of Mr. Burke, as given in this very argument, is in favour of the unqualified concession of every franchise?—Surely, his forbearing to intimate such an opinion, when arguing on a matter leading so naturally to it, affords a much stronger presumption, that his judgment was the other way. And yet we have heard one of the most distinguished senators of the age, (Lord Plunket, in the debate of March, 1827,) gravely refer to

* Letter to Sir H. L., Burke's Works, vol. iii. p. 565.

the following passage, as if it was meant by the writer to apply to the present state of the question. “Whenever I shall be convinced, “which will be late and reluctantly, that the “safety of the Church *is utterly inconsistent with* “*all the civil rights whatsoever* of the far larger “part of the inhabitants of Ireland, I shall be “extremely sorry for it, because I shall think “the Church to be truly in danger;—it is “putting things into the position of an ugly “alternative, into which, I hope in God, they “never will be put.”

Thus the case would stand, if this Letter to Sir Hercules Langrishe were all that Mr. Burke had written on this matter. But, happily, it is not all. He wrote a second Letter to the same gentleman, in which he says, with reference to his former one, “In the Catholic question, I “only considered one point:—Was it, *at the* “*time, and in the circumstances*, a measure which “tended to promote the concord of the citizens? I have no difficulty in saying, it was; “and as little in saying, that the *present concord* “*of the citizens*” (he wrote before the Rebellion, and before any indication of increased expectations on the part of the Roman Catholics) “was “worth buying, at a critical season, by granting a few *capacities*, which, probably, no man

“ now living is likely to be served or hurt
 “ by.”*

In a Letter to another gentleman (Baron Smith) he states in more full and express terms the principle which guided and directed all his views. “ *My whole politics, at present, centre in one point ; and to this the merit, or demerit, of every measure (with me) is referable ; that is, what will most promote, or depress, the cause of Jacobinism.*” This it was, that made him, at that time, think, “ that all the three Religions, prevalent, more or less, in the various parts of these islands, ought all, *in subordination to the legal establishments*, as they stand in the several countries, to be all countenanced, protected, and cherished ; and that, in Ireland particularly, the Roman Catholic religion should be upheld in high respect and veneration ; and should be, in its place, provided with all the means of making it a blessing to the people who profess it.” “ I am the more serious on the positive encouragement to be given to this religion, (*always, however, as secondary,*) because the serious and earnest belief and practice of it by its professors form, *as things stand,*” (Jan. 1795,) “ *the most effectual,*

* Burke's Works, vol. v. p. 292.

“ barrier, if not the sole barrier against Jacobinism.”

Would that be his opinion now? Could it be so? Where is the spirit of Jacobinism now most active? Where are all its energies most strongly, most unceasingly exerted?—Where, but in the Association, the Mock-Parliament at Dublin?—Whither are now the wishes, the hopes, the sanguine and ardent longings, of every Jacobin in the King's dominions directed, but to the same stirring scene? And would Mr. Burke have leagued himself with such a band? Would he have become, in his old age, “ the champion of Jacobinism,” the zealot of that unholy cause, abhorrence of which mastered every other passion and feeling of his heart—could suspend the anguish of his almost frenzied grief,—could make him for awhile forget the bereavement of the one sole object of his earthly hopes,—and rouse him to exertion even from the listlessness of despondency? The supposition is absurd.

In the very work which has been cited in furtherance of the Roman Catholic cause, he hesitated not to say of persons, whose language and whose actions had been far less offensive, and infinitely less dangerous, than the leaders or the promoters of the present Association,

that they were “unworthy of any privilege
 “which may be thought fit to be granted, that
 “*such men* ought, *by name*, to be excepted from
 “any benefit, under the constitution, to which
 “they offer this violence.”*

Nor ought we to forget, that whatever his opinion might be of the fitness of concession, it was professedly influenced by a view of what were then the existing facts of the case, which facts have since been changed in a degree scarcely to be estimated. “As to the capacity
 “of sitting in parliament,” says he in 1795, “after all the capacities of voting,” &c. have been granted, “it is a dispute *de lanâ caprinâ*,
 “in my poor opinion, at least on the part of
 “those who oppose it.” “On a fair canvass
 “of the several prevalent parliamentary interests in Ireland, I cannot, out of the three
 “hundred members, of whom the Irish parliament is composed, discover that above *three*,
 “or, at the utmost, *four*, Catholics, would be re-
 “turned to the House of Commons.”

Is this the case now? Is it not, on the contrary, found by experience, that neither the influence of property, nor hereditary attachment to ancient and honourable names, nor the ties of gratitude, nor the hope of future favour, nor

* Burke's Works, vol. iv. p. 584.

any earthly motive, can avail against the mandates of spiritual authority? Is it not certain that a very large portion, and only uncertain how large, of the representation of Ireland, is in the hands of the Priests? Mr. O'Connell has scrupled not to say, that the whole, or almost the whole will soon be in the same hands: and, in proof of his own reliance on the accuracy of this assertion, he has scrupled not to proclaim his readiness to offer himself as candidate to represent a county (the county of Cavan) in which he has not (as I am informed) a single acre of ground, on the mere strength of his merit as an agitator.

This is the answer to every argument drawn from the authority of Mr. Burke, respecting the concession of seats in parliament to the Roman Catholics of Ireland. His general principles are opposed to it; and the exception, which he admitted in their favour, was founded on a state of things, which not only is gone by, but has been succeeded by one utterly and essentially at variance with it. Nor may we forget, that in his earliest and most earnest appeal to the generosity and justice of England, in behalf of the then really injured population of Ireland, he distinctly allowed, that they ought not to be admitted to a share of the government. "They

“are,” said he, “excluded from all offices in Church and State, which, though *a just and necessary provision*, is yet no small restraint.”*

At a subsequent period, when, with that generous zeal for the cause of the oppressed which was the proudest distinction of his character, he devoted to them the best faculties of his exalted mind, and drew up for them a statement of their grievances in a Petition to his late Majesty, conceived in terms the most eloquent, the most energetic, the most persuasive, yet, at the same time, the most considerate and most respectful, what was the argument on which he insisted? Was it a claim of right? Far otherwise; it was their “dutiful, peaceable, submissive behaviour for more than four-score years:” “if in all that time,” such were the words of the Petition, “amongst all our people, in the daily increase of severe laws against us, one treasonable insurrection, or one treasonable conspiracy can be proved; *if amongst our Clergy, one seditious sermon can be shown to have been preached*; we will readily admit, that there is good reason for continuing the present laws in all their force against us.” Could the man who wrote this sentence,—and that man, Mr. Burke,—had

* Burke's Works, vol. v. p. 241.

he lived to witness the smallest part of that system of deliberate outrage and intimidation, which has been adopted by the whole mass of Roman Catholics in Ireland, and, above all, by their Hierarchy and their Priesthood,—could he, I ask, be the advocate and patron of such a cause? Could he give the sanction of his honoured name to the demands of those who avowedly and exultingly proclaim their deadliest hate, their most active unmitigable hostility to the Church of Ireland, the Protestant Episcopal Church there established by law? Let Mr. Burke himself answer the question. He will tell us, even in his first letter to Sir H. Langrishe, that the Church is, by one of the most solemn acts of legislation, “declared to be fundamental and essential for ever, in the Constitution of the United Kingdom;”* he will there tell us, that the King is bound by his Coronation Oath, to “do nothing to the prejudice of the Church in favour of sectaries” of any kind,—that the Church so to be protected by him, is the Church “established by law,” and that, in order “to define it beyond all possibility of doubt, he ‘swears to maintain the ‘Bishops and Clergy, and the Churches

* Burke's Works, vol. iv. p. 562.

“ ‘committed to their charge,’ in their rights,
“ present and future.”

Mr. Burke knew nothing of that refined policy, which holds it illiberal and unwise, much less unjust, to exclude men from an equal share of civil privileges on account of their religious belief. “In a Christian commonwealth,” says he, “*the Church and the State are one* and “the same thing, being integral parts of the “same whole.”* “*Dissent, not satisfied with toleration, is not conscience, but ambition.*” Again, “when gentlemen complain of the subscription,” (*pari ratione*, of Tests) “as matter of “grievance, the complaint arises from “founding private judgment, whose rights are “anterior to law, and the qualifications which “the law creates for its own magistracies, “civil or religious. To take away from men “their lives, their liberty, or their property, “those things for the protection of which society was introduced, is great hardship and “intolerable tyranny; but to *annex any condition you please to benefits artificially created, “is the most just, natural, and proper thing in the “world.*”†

Still less did Mr. Burke assent to the frantic

* Burke's Works, vol. v. p. 353.

† Ibid. p. 332.

theory of those who maintain, that religious opinions are altogether out of the province of civil government. “So far from Religion being out of the province, or the duty, of a Christian magistrate,” says he, “it is, and it ought to be, not only his care, but *the principal thing* in his care, because it is one of the great bonds of human society; and its object the supreme good, the ultimate end and object of man himself.” “As Religion is one of the bonds of society, *he ought not to suffer it to be made the pretext of destroying its peace, order, liberty, and its security.* Above all, he ought strictly to look to it, when men begin to form new combinations, and *especially, when they mingle a political system with their religious opinions*, true or false, plausible or implausible.”

*Authority of Lord Bacon—Lord Coke—
Blackstone.*

Such were the opinions of this great man. Not less strong was the judgment of those, who were the lights and ornament of elder times, men whom the wisest of every generation, till the present, were not ashamed to acknowledge as their teachers.

Sir Francis Bacon says, “ It is not possible,
 “ in respect of the great sympathy between the
 “ state civil and the state ecclesiastical, to make
 “ so much alteration in the Church, but that it
 “ would have a perilous operation on the king-
 “ dom.” *

And a greater authority even than Bacon, in a question of constitutional policy, Lord Coke, thus states “ the *matters* of Parliament. 1. Touching
 “ the King. 2. The State of the Kingdome of
 “ England. 3. The Defence of the Kingdome.
 “ 4. *The State of the Church*. And this appear-
 “ eth by express words in the Parliament Writ in
 “ these words: ‘ Pro quibusdam arduis urgen-
 “ ‘ tibus negotiis, nos, statum, et defensionem
 “ ‘ regni nostri Angliæ et Ecclesiæ Anglicanæ
 “ ‘ concernentibus, quoddam Parliamentum,
 “ ‘ nostrum, &c. teneri ordinavimus.’ And
 “ though the State and Defence of the Church
 “ of England be last named in the Writ, yet it
 “ is *first in intention*, as it appeareth by the Title
 “ of every Parliament. As for example, ‘ To the
 “ ‘ honour of God and of holy Church, and the
 “ ‘ quietness of the people.’ 36 Edward III.” †

There is another distinguished name which I am unwilling to omit, the rather, because his

* Bacon’s Works, (4to. Lond. 1730,) vol. iv. p. 436.

† 4 Inst. 1.

authority is often claimed in favour of the present demands of the Roman Catholics, for admission into Parliament, and into every department of the State,—I mean Sir William Blackstone. But surely none who has ever read what he has written on this point, can be mistaken as to his opinions. The concessions, which he favoured, were merely a relaxation of the ancient penal code—concessions made long ago, and in ampler measure, than he ever contemplated.

The restrictions, which still remain, are those which he not only approved, but deemed essential to the safety of the State. We have already* seen, that the declaration against Popery is treated by him as a necessary precaution to prevent “the extensive authority which belongs to Parliament from falling into improper hands;” and “the Test and Corporation Acts, which secure both our civil and religious liberties,” are numbered by him among those particulars which made “the reign of Charles II.” (wicked, sanguinary, and turbulent as it was) “to be the era from which we may date, not only the re-establishment of our Church and Monarchy, but also the

* See above, p. 119.

“ complete restitution of English Liberty, for
“ the first time, since its total abolition at the
“ Conquest.”*

*Lord Kenyon's Interpretation of the Coronation
Oath.*

From this long, but not, I trust, irrelevant digression, I return to my more immediate subject—the Coronation Oath, and to what yet remains to be stated more particularly—the judgment of the late Lord Kenyon respecting it.

That judgment may be summed up in the following terms, taken from his Lordship's concluding letter,† in answer to the questions proposed to him by his royal master.

“ The supreme power of the State cannot
“ limit itself;” therefore no words of any statute can be construed to *disable* the Legislature from any legislative act, however “ improper,”—for instance, from even “ entertaining and
“ passing a bill to abolish the Supremacy, and
“ the whole of the government and discipline of
“ the Church of England, as now by law established.”

* 4 Blackstone, 438.

† Letters, &c. pp. 21—26.

But though the *power itself* is thus supreme and incapable of limitation, yet securities may be devised for the proper *exercise* of it—as, for instance, by providing for the fit qualifications of those entrusted with it, or by demanding a promissory oath from them, that they will exercise, or forbear to exercise it, in such and such a way. “Our ancestors, at the time of the Revolution, did not suppose, that there was any danger to the Reformed Religion of the Country from the Members of the Houses of Parliament,” who not only could not take their seats without disclaiming on oath certain essential dogmas of Popery, but also had all their feelings and principles in declared hostility to the Popish cause. “Therefore, the Statute Book does not exact any promissory oath, binding *them* not to receive or pass Bills hostile to the Reformed Religion as by law established. But *that is not the case of the King.*” From him a promissory oath not to pass such Bills is exacted. For “recent misconduct in the reign of King James II. had raised great jealousy, and *therefore* the Coronation Oath exacts from the King an oath to maintain the Laws of God, the true profession of the Gospel, and the Protestant Reformed Religion established by law, &c. &c.”

The exact mode of effecting these purposes is not prescribed by the Oath.—That is left to the conscience of the Sovereign who has taken it. He “ must determine whether any particular statute proposed does destroy the “ Government of the Church,” or will “ essentially, or in any great degree, *affect* that “ which he is bound to maintain.” For, as “ to *overthrow* any part of the Church Establishment (the King’s Supremacy ; the “ main fabrick of the Act of Uniformity, the “ doctrine, discipline, and government of the “ Church of England, and the provision for its “ ministers kept as an appropriated fund) “ would militate against the Coronation Oath,” so to become a party to any measure, which he who has taken the Oath deems likely to lead to such a result, is plainly within its prohibition. For instance, “ how far the Statute of 30 “ Car. II. st. 2, disabling Papists from sitting “ in either House of Parliament, still continues a “ fence for the Church as by Law established, “ must be judged of by those who are to act “ on the proposed repeal, if such a measure be “ brought forward,” especially the King himself. “ Those who think it is an important and “ necessary part of the defence of the Established Church, may also think that the

“Coronation Oath was meant to provide
“against the King’s consenting to the Repeal”
of that Statute *specifically*; and, at any rate,
the King himself, if he hold such an opinion of
the importance of that Statute, must, on the
principles before stated, consider himself bound
by the general obligation of the Oath to refuse
his consent to the repeal.

In truth, with reference to the particular
measure of admitting Roman Catholics to seats
in Parliament, the intention of the Legislature,
which established the Coronation Oath, is sin-
gularly clear. For, “it cannot well pass ob-
“serva- tion, that *the whole system of Laws, as to*
“*the purpose of the present inquiry, was to guard*
“*against the possible introduction of Popish In-*
“*fluence into any Branch of the Legislature. As*
“*far as respects the Sovereign, IT IS GUARDED*
“BY THE OATH HE TAKES, and with respect to
“the Houses of Parliament by the Declaration
“in 30 Car. II.”

Application of the Preceding Argument.

I have thus endeavoured to prove, that the
Oath taken by the King at his Coronation has
a most important bearing on the great question
of concession to the Roman Catholics: and I

think it has been made manifest, that the Oath does most undeniably restrain the King from concurring in any Act, for that or any other purpose, of which his Majesty is not in his conscience assured, that it neither overthrows, nor seriously endangers, any part of the Protestant Church Establishment, in England, or in Ireland.

If this be so, the first inquiry, respecting the application now made to the Legislature by the Roman Catholics, ought to be, whether they ask for that which it is inconsistent with his Majesty's Oath to grant. If they do, (and most certainly they do,) it is the kinder course of proceeding towards the applicants themselves, as well as the wiser and more considerate for the preservation of public tranquillity, to say to them at once, "What you
 " ask, it is impossible for us to grant. We
 " are ready to do the best we can for you, and
 " shall sincerely rejoice, if we find that we
 " can do much. But, remember, that with the
 " best possible disposition towards you on our
 " part, your success is much more in your
 " own power, than it is in ours. The course
 " you have of late pursued is the very worst
 " you could have chosen; and if you have
 " been sincere in the language you have used,

“ the principles you have avowed, the objects
 “ you have proclaimed, you must think us the
 “ most incapable set of dastards that ever
 “ were entrusted with the interests of a great
 “ country, should we give ear to you for a
 “ single hour. You ask for ‘*total, unqualified,*
 “ ‘*unconditional*’ concession. How can you be
 “ so absurd? The wise among you know, that
 “ this you cannot have—the honest do not de-
 “ sire it. You call the objects of your de-
 “ mands, the ‘just and indefeasible rights of
 “ *men and citizens.*’ What nonsense is this!—
 “ Your very oracles, Dr. Doyle and Mr. O’Con-
 “ nell, have admitted the contrary; they have
 “ admitted, that, during the time of the Stuarts,
 “ it was ‘necessary for the English govern-
 “ ‘ment to pass restrictive laws against the
 “ ‘Roman Catholics,’*—in other words, that
 “ the legislature must exercise its discretion,
 “ when, and what, restrictions shall be imposed.
 “ Go home, then—try to make us forget,
 “ by your peaceable and rational conduct, the
 “ folly of your body, and the worse than folly
 “ of your leaders. We wish to give you all
 “ that can be given with safety to those ob-
 “ jects, which, whatever you may think of
 “ them, are, in our estimation, fundamental,

* See Evidence before Commons, p. 218.

“ essential, indispensable. The security of
 “ our own Church is the first of these ob-
 “ jects; to consult for it the most imperative
 “ of all our duties;—and, even if we could be
 “ base enough to desert it, the King will not.
 “ He knows that he is bound by his Corona-
 “ tion Oath to maintain that Church, ‘ *to the*
 “ ‘ *utmost of his power* ;’ and, if we should pro-
 “ pose to him to violate his Oath, the only ré-
 “ sult would be, to manifest his firmness, and
 “ to bring hatred and contempt on ourselves.
 “ He, like his illustrious father, would be
 “ ‘ ready to ascend a scaffold, and lay his
 “ ‘ head on a block,’* if his duty should de-
 “ mand it; but he has not courage to defy
 “ God. Let not, however, any among you
 “ flatter yourselves, that there is really any
 “ danger to him in following the dictates of
 “ his conscience. His throne is built on the
 “ hearts of his people;—and those hearts only
 “ love, honour, and venerate him the more,
 “ for witnessing his faithfulness to his high
 “ engagements.

“ In one word, then, see whether you can
 “ offer us any real and adequate security for
 “ our Church, if the boon you ask be granted,

* King George III.’s speech to Lord Grenville, in 1807.

“—or try to find the securities, which we, on
“our part, may devise, such as you can con-
“scientiously accede to. If the result be,
“that religious duty on both sides makes en-
“tire accordance impossible, let us come as
“near together as we can, and respect each
“other the more for not sacrificing spiritual to
“worldly interests.”

Such, I venture to think, is the language which the friends of the Roman Catholics of Ireland, (and what Englishman does not wish to be their friend?) ought steadily and unceasingly to hold towards them. If it please not the zealots on either side, it is not, on that account, the less likely to be wise and salutary. Happily, indeed, in the midst of all that we have to deplore, and to condemn, in the recent conduct of the Irish Roman Catholics, there are not entirely wanting indications of a better kind. In particular, we are enabled to trace the turbulent and insolent demeanour, the threatening attitude, the combined action, the ostentatious unanimity of the whole body, to causes less malignant, and much less formidable, than any universal spirit of disaffection in the people. The appearances of concert and union have been artfully and successfully got up. But in this very success, the

intrinsic weakness of the combination has been disclosed. The presumption and vanity of those, who prepared it, have, as is frequent in the history of that country, defeated their own pestilent design. In squabbling for the praise of the first invention, or in setting forth the merits of their respective devices, they have let out the secret of the real hollowness of the whole proceeding. Mr. O'Connell,* a

* Extract of a Letter read in the Irish Association 22d September, 1827.

" *Nothing has occurred in Catholic Politics so much to dis-*
 " *hearten me, as the neglect to collect this national fund.* Some-
 " times I feel a kind of melancholy satisfaction at the argu-
 " ment it affords me in justification of my not succeeding in
 " obtaining emancipation. How is it possible to succeed for
 " a people who will not make a small sacrifice to the common
 " cause? But any satisfaction is soon overpowered by the more
 " melancholy reflexion that Irishmen will be said not to merit
 " freedom when *they refuse to purchase the chance of obtaining*
 " *it at so insignificant a price to each individual.* There only
 " remain to us—who appreciate freedom as the greatest pos-
 " sible earthly good—and who are determined never to ac-
 " quiesce in our Country's wrong,—to redouble our exertions
 " —and to make, by our own struggle, the best compensation
 " we can for *the deplorable neglect* of others.

" I am really astonished how any human being can tread
 " this lovely green land, and not feel his heart glow within
 " him with the warmest anxiety to see her what she ought to
 " be—you know the rest.—My dear friend,

" Very faithfully Your's,

" E. DWYER, Esq."

" DANIEL O'CONNELL."

very few months ago, “deplored, with bitter
“but unavailing regret, the apathy which then
“appeared to pervade so many on the subject
“of the Catholic Rent.” “How,” he feelingly
asked, “is it possible to succeed for a people
“who will not make a small sacrifice to the
“common cause?” Again, so late as the 27th
of December last, he told the Association, that
“he had to complain much of the apathy ex-
“hibited in Dublin—*many of those, who used to*
“*take a part in Catholic affairs, have deserted*
“*them.*” Mr. Shiel, when, in the fullness of
self-gratulation, he was pleased to announce
his plan of simultaneous meetings, at the same
time apprised us of the absolute necessity of
some such plan, in order to prevent the present
eagerness of the people from speedily sinking
into absolute indifference.

“We must recollect,” says he, “that we are acting
for a sanguine, impetuous, ardent, and impassioned
multitude, to whose wishes and passions something
must be conceded, and that, while upon one hand it is
of importance to consult the official convenience of our
advocates in power,” (his Majesty’s late Ministers,) “it
is of still greater consequence to keep alive the feeling
in this country, which *it has cost much labour to call*
up, and which may subside as rapidly to such a point
of depression, that it will hereafter be difficult, if it do
not become almost impossible, to raise it again to that
degree of excitation which it has now usefully attained ;

but from which, *if care be not taken, it may irretrievably recede !*"

Again,—

"Look to the effects which were produced in Ireland by the cessation of Catholic meetings in the year 1821. There was neither Committee, nor Board, nor Association. The result was, that a total stagnation of public feeling took place, and *the Catholic Question was nearly forgotten*. All public meetings had ceased—no angry resolutions issued from public bodies—no exciting speeches appeared in the papers, &c. &c. Causes of public exasperation were gradually dropping out of the national memory. *The country was then in a state of comparative repose.*"

From this repose, we may readily believe, the country would never have been effectually moved, but for the laudable efforts of Mr. Shiel and his brethren, and the equally laudable supineness of those to whom the administration of the laws was entrusted. But these very considerations justify a hope, that a firm, but temperate, recurrence to the power of law may yet be successful. This hope is strengthened by another symptom; for, happily, the not unusual effect of efforts disproportioned to the occasion, has occurred in the present instance. They, who have evoked the dæmon of civil discord, have startled at the aspect of the hideous phantom which has answered to their incantation. They who hoped to strike dismay

into the hearts of Englishmen by the imposing enumeration of the hosts that follow them,—who boasted, that “the tramp of seven millions “of men,” marching to demand their rights, will be heard in the Courts of Princes and in the Halls of Senates,—seem to have been themselves stunned by the echo of their own menace. The whole proceeding affords an illustration of the judicious remark of Carte, on the predecessors of Messrs. Shiel and O’Connell, the lawyers of 1641, who, in spite of their readiness to drive matters to the very verge of rebellion, wished there to stop, “being a sort of “men always averse to war, in which their “profession is of little use.” Accordingly, in the present instance, the tone of intimidation, the threat of physical force, have suddenly subsided into the expedients of legal cunning, and the trickery of an election committee. Those members of the legislature, who support the ministers of their sovereign, are, it seems, denounced as the enemies of Ireland; they are to be driven at the earliest opportunity from the seats they occupy;—as if the ostentatious exercise of present power, in open violation of the best privilege of Parliament, were an argument for the wisdom of higher and larger concession.

Not that the legal actors in this strange

drama have performed the most effective, though, it may be, the most prominent parts. The clergy, and, above all, the hierarchy, may, with the best reason, claim to themselves, in these our days, the same proud distinction, which has ever belonged to them, in almost all the convulsions of their unhappy country. A recent work,* which ought to be in the hands of every one, who wishes to have a just notion of the spirit which has uniformly actuated the Roman Catholic Prelates of Ireland, informs us what has been that spirit, down to the epoch of the great rebellion. Walsh, the honest Franciscan,—Carte, the Biographer of Ormond,—the preamble to the Irish Statute of 9 William III., c. 1.,†—and, though last in the enumeration, not least in authority, the living Irish Roman Catholic Priest, Dr. O'Connor,—have extended the statement to a much later period; and the narrative is at length taken up, and completed even to the present times, by the conduct and the language of the living prelates themselves.

* Dr. Phelan's "Policy of the Church of Rome in Ireland."

† "Whereas it is notoriously known, that *all the late rebellions have been contrived, promoted, and carried on by Popish Archbishops, Bishops, Jesuits, and other ecclesiastical persons of the Romish Clergy.*"

Language and Conduct of Irish Roman Catholic Prelates.

This is a matter which will require some detail.

The Roman Catholic Prelates of Ireland have been remarkable for the skill, with which they have always accommodated their conduct to their own views of the situation, in which they are placed. While no prospect presents itself of obtaining advantages by rousing the passions of the multitude, they observe the semblance, (and often, let us hope, the reality,) of dutiful and contented submission to the government under which they live. They express themselves in terms of exemplary loyalty, they chide the excesses, and deplore the rashness, of their erring people. Meanwhile, with a vigilance that never sleeps, with an elasticity of hope, which no degree of pressure can ever wholly keep down, with a passionate and anxious longing for the restoration of the power of their Church and of their order,—they never omit a single occasion of serving that holy cause, and of preparing for what they confidently expect must one day happen, its signal and enduring triumph. This ardent and stirring

zeal has made them at all times the formidable enemy of the government under which they are placed; and incalculably more formidable would they be, were they not at the same time as much distinguished by the extravagance of their projects, the wildness of their hopes, the wantonness of their presumption, whenever the faintest prospect of success opens upon them, as by their fixed and rooted hostility to every adverse establishment.

It is not uninteresting to trace the variety of tone, which has, at different recent periods, marked their language.

Before any part of the penal code was repealed, we meet with an exhortation read from their altars, in the year 1757, immediately after the accession of the Duke of Bedford to the Lieutenancy of Ireland, a nobleman, who was believed to entertain kindly sentiments towards their body. “ A series of more than sixty
 “ years,” says this exhortation, “ spent, with a
 “ pious resignation, under the hardships of very
 “ severe penal laws, and *with the greatest thank-*
 “ *fulness for the lenity and moderation* with which
 “ they were executed, ever since the accession
 “ of the present Royal Family, is certainly a
 “ fact, which must outweigh, in the minds of
 “ all unbiassed persons, any misconceived opi-

“ nions of the doctrines and tenets of our Holy
 “ Church.”*

At a subsequent period,—soon after the Bill was passed, which relieved them, and their lay brethren, from all that was oppressive in the penal laws, giving the elective franchise, and leaving no restraints or disabilities, but those which were deemed essential to the safety of the State,—the Prelates addressed his late Majesty, in terms not only of the warmest gratitude, but of the most complete contentment. Avoiding the very name of a Roman Catholic Church, (such was their cautious regard to the decorum of their condition,) they thus began: “ We
 “ the undersigned, &c. Prelates of the Roman
 “ Catholic *Communion* in Ireland, impressed
 “ with the lively sentiments of inviolable attach-
 “ ment to your Majesty’s sacred person and
 “ Government, which, we trust, will ever dis-
 “ tinguish those of our order in this Kingdom,
 “ are happy to avail ourselves of this occasion,
 “ the earliest that has offered, of humbly adding
 “ the tribute of *our acknowledgments to the gene-
 “ ral voice of a grateful people.*”

“ The recollection of our past, and *the con-
 “ templation of our present condition,* will best

* Parnell’s History of Penal Laws, p. 47. 6s.

“ illustrate the character of a Patriot King, im-
“ partially attending to the wants and deserts
“ of his people. Under your Majesty’s auspi-
“ cious reign, and particularly through your
“ late paternal recommendation to Parliament,
“ heavy penalties, to which we were subject, have
“ been removed. *We were patient under disa-*
“ *bilities; we are thankful for our happy change.*
“ Ministers of a Gospel, which enjoins meek-
“ ness in adversity, and submission to those
“ who are constituted in authority over us, we
“ have not at any time omitted to inculcate the
“ lesson of obedience and loyalty. *The favours*
“ *we have received, add private feeling to public*
“ *obligation; we shall continue, with unremit-*
“ *ting zeal, to discharge that indispensable duty.”*

Such, in the beginning of 1794, was the language, if not the feelings, of the Romish Hierarchy in Ireland. It continued to be so, to a comparatively recent period; nor ought it to have been expected, that this language should ever change. For, in truth, whatever may be the grievances of the *lay* members of that Communion, their Clergy, supposing them to be sincere in disclaiming all hopes of aggrandizement, have absolutely nothing to complain of. They are under no disabilities: and so, be it remembered, so late as 1805, it was distinctly

admitted, or rather urged, by Dr. Troy, then Roman Catholic Archbishop of Dublin, in his Letter to Sir J. C. Hippesley.* “*The Roman Catholic Clergy in Ireland,*” says he, “*were by no means connected with the object of the Petition; they were, of all the Irish Roman Catholics, the only persons that were not to be benefited, as a professional description, by the concession of the political favours for which their lay brethren humbly asked.*”

In full accordance with this peaceful and unambitious strain, in November, 1822, *Dr. Doyle* put forth a “Pastoral Address” against the illegal associations, which had recently disturbed the peace of Ireland. In it, he employed all the energy and eloquence of no ordinary mind, to bring back the misguided multitude to a sense of their wickedness, and to warn them of the misery they were inflicting on themselves and on their country. “What is the period,” he demands, “which you have chosen to form a dark and bloody conspiracy against *all that is established by the will of God*, in a country that should be more dear to you, than life? Precisely that, when our gracious Sovereign

* See Speech of Sir J. C. Hippesley, 18th May, 1810.—Faulder and Booker. Supp. App. p. 32.

“ visited us like a common father, quelling the
“ tumult of the passions, allaying the spirit of
“ party and dissension, and dispensing among
“ every class and description of his people the
“ spirit of peace and good-will;” “ when Eng-
“ land, with a bounty and generosity peculiarly
“ her own, had watched over our distress, with
“ the anxiety of a mother, and ministered out
“ of her abundance to all our wants; raising
“ up her charities, like a shield, to protect us
“ against famine and pestilence, clothing the
“ naked, feeding the hungry, and consoling the
“ distressed, forgetting *our crimes and atrocities*
“ *in the South, the innocent blood that called to*
“ *Heaven for vengeance against us*, and remem-
“ bering only that we were men and Christians,
“ though many of us undeserving of that name.
“ This was the period, when ‘ mercy and truth
“ ‘ seemed to have met, and justice and peace
“ ‘ to have kissed each other;’ that *you were*
“ *impelled by the enemy of all good to defeat the*
“ *designs of Heaven upon your country, and*
“ *oppose new obstacles to her improvement. Shall*
“ *Ireland, my dear, but infatuated brethren,*
“ *be always doomed to suffer, and to suffer*
“ *through the blindness and malice of her own chil-*
“ *dren?* Who will in future sympathize in her
“ misfortunes? Who will vindicate her rights?

“ Who will proclaim the virtues of her sons, if
“ a portion of them appear not only disaf-
“ fected, but also blind to their own inte-
“ rests; and if what never, until now, could be
“ objected to them, that *they are ungrateful?*”

Such was the warm, and high, and earnest tone of reproof which then seemed to Dr. Doyle to be demanded by the sacredness and authority of his station. And it is worthy of remark, that he not only, throughout this Address, abstains from alluding to any grievance affecting the Church, or Clergy of the Church, of Rome, (this, i t may be said, the occasion forbade,) but he even goes out of his way to declare, that there was no such grievance existing.—

“ You are intolerant and uncharitable, brethren,
“ on this head; but it is not your religion, but
“ your prejudices and passions, that render you
“ so.” “ *In this country your religion is not only*
“ *tolerated, but protected by law; it is poor, but*
“ *poverty is the cradle in which Christianity*
“ *was nursed, and riches have always been its*
“ *bane. Your Clergy have a competency, alike*
“ *removed from poverty and affluence, and de-*
“ *rived from a source, which secures to you*
“ *their attention, and protects the purity of*
“ *their own lives. They seek, they desire*
“ *nothing more.* It is clear, then, that *on the*

“ *score of religion, your conspiracies are without an object ; and it is the Angel of Darkness, who transforms himself into an Angel of Light, that he may seduce you to violate all the charities of the Gospel, under the appearance of zeal for the faith.*”

“ *Return, dearly beloved, to the ways of peace ; leave the Legislature to pursue those means of improving your country, which their wisdom will devise ; let the Government meet with a grateful return for the solicitude they manifest in maintaining the rights, and providing for the wants, of the people. Leave your Church to enjoy the liberty she possesses. Wipe away, by your peaceable demeanour for the time to come, that foul stain, which your conduct has, to a certain extent, already cast upon your religion.*”

We have here the language of Dr. Doyle at the close of the year 1822. But, before the following year was very far advanced, he was enlightened to a new view of the situation of his countrymen, and to a very different judgment of the course, which his duty, as a Bishop of the Irish Roman Catholic Church, called on him to pursue. What particular considerations induced this change it were useless to inquire. Be it sufficient to know, that from his latter

course—the course of stimulating even to madness all the worst passions of his people—he has never since swerved—except during the very brief period of his residence in England, and in his testimony before the Committee of the late Parliament.

In 1823, he set forth, under the initials of his Episcopal title, J. K. L. (James Kildare and Leighlin) a “Vindication of the Religious and Civil Principles of the Irish Catholics, addressed to his Excellency the Marquis Wellesley.” In it he proclaims his “object to be to offer to his Excellency some reflections in vindication of the *proscribed body* to which he belongs, and of the *insulted religion* which he professes.”* He tells him, that “the lights of the last century, and the humanity of the late King mitigated the evils,” which had before weighed down his countrymen. “*The oppressed were permitted to breathe, and straw, wherewith to make their bricks, was given to them, not for their own sake, but that they might become more available to their proprietors.*” They were allowed, under certain limitations,† to acquire and inherit property; even “*the shadow of freedom*, but that *only*, in the

* p. 6.

† What limitations?

“ elective franchise, was suffered to appear to
“ them.”*

Such was now Dr. Doyle’s description of the same state, which, a few brief months before, he had characterized as a state of liberty, protected by a benign government, which had thereby entitled itself not only to the obedience, but to the love and gratitude of its much-favoured subjects. These very subjects, even in their late guilty insurrection, were now to be considered as “ men who, writhing under
“ wrongs and oppression, had struggled against
“ the chains which bound them.”†

I will not dwell on the seeming inconsistency ; for, in truth, the inconsistency is only *seeming*, an inconsistency of words, dictated by a spirit of the most entire oneness and immutability. In 1822, it was deemed expedient to cajole the Protestants, and, therefore, to observe the appearance, and acquire the character, of the most devoted loyalty ; in 1823, it had become more important to excite the Roman Catholics, and, for that purpose, to set an example of stern defiance of the hostility of Government, and of the most daring invectives against the existing laws. He whose principle of action

* p. 8.

† p. 11.

is, in all circumstances, to advance the interests of his church, must, of course, vary his mode of advancing them, according to the shifting character of the times he lives in. Dr. Doyle may, indeed, claim the praise of more consistency, even of words, than might be, at first sight, allotted to him. For he himself tells us, that whatever may have been the language of his printed "Pastorals," his esoteric doctrines were always much more liberal. "How often," says he, "have I perceived, in a congregation of some thousand persons, how the very mention, *from my own tongue*, of the penal code, caused every eye to glisten, and every ear to stand erect! The trumpet of the last judgment, if sounded, would not produce a more perfect stillness in any assemblage of Irish peasantry, than a *strong allusion to the wrongs we suffer*."*

That this latter tone is the tone which best accords with his real feelings, and will ever characterize his private Addresses to his flock, nay, will, in future, dictate his language before the world, he has elsewhere frankly told us, and in this we may be sure he will keep his word. "*We will never cease*," says he, "whilst our tongues can move, or our pens can

* Letters of J. K. L. p. 287.

“ write, to keep alive, in the whole empire, as
 “ well as in our own people, a sense of the
 “ wrongs we suffer, and to exhibit to an indig-
 “ nant world, all the privations we endure,
 “ *Our fetters are too galling—our chains are too*
 “ *closely riveted—our keepers are too unfeeling,*
 “ *for us to remain silent, or permit them to enjoy*
 “ *repose.*”*

But Dr. Doyle is not the only prelate who has evinced this spirit. If he were, I should not have thought it necessary to have dwelt thus at length on his solitary instance. The recent proceedings of the Association at Dublin, and of other meetings in different parts of Ireland, have shown us, that it is only the superior energy and talents of this individual that have fixed on him the distinction of being actuated by feelings, which, in fact, belong to all his brethren. I will here beg leave to select a few instances to prove the justice of this remark.

“ *Connaught Provincial Catholic Meeting.*” †

“ At a most numerous and highly respectable
 “ meeting of the Catholic inhabitants of the pro-

* Vindication, p. 44.

† See Dublin Evening Post, Oct. 9—11, 1827.

“ vince of Connaught, convened by public requisition,” (the Roman Catholic Archbishop’s name was first in the list of requisitors), “ and held in the parish *Chapel* of Ballinasloe, on *Sunday*, the 7th of October, 1827,” (during the Ballinasloe fair, where thousands from all parts of Ireland were gathered together,) *his Grace the Catholic Archbishop of Tuam* having been called, by acclamation, to the Chair, the following resolutions were *unanimously* adopted:

1. “ That liberty of conscience is the inherent right of all mankind, and cannot be taken away without opposition,* nor surrendered without a crime.” (On the modern zeal for “ liberty of conscience” in these prelates, I shall have occasion to say something presently.)

5. “ That we earnestly entreat the people of this province to re-commence the collection of ‘ the rent,’ to form a fund for the protection of those numerous *patriots*, who had the firmness to assert their constitutional right of elective franchise, and as a means of affording every individual an opportunity of manifesting his feeling in one common cause.”

After this resolution had been moved and

* This, it appears, was a misprint for “ oppression,” the word moved in the resolution at the Meeting.

seconded *the Chairman*, (his Grace the R. C. Archbishop of Tuam) said, “there was no resolution which he felt so much pleasure in putting from that place,” (his seat as Chairman in the *Parish Chapel*, on Sunday, immediately after the performance of divine service) “as one recommending the speedy and general collection of the Catholic rent.”

Now, in order to do justice to this speech of his Grace, it is proper to bear in mind, that “the Patriots” whose “firmness, in asserting their right of elective franchise,” demanded so generous a protection, were men, who are described by Dr. Doyle as “steeping their souls in perjury” by swearing to a freehold which they did not possess; and that this description is confirmed by divers witnesses before the Parliamentary Committee of 1825, particularly by *Dr. Kelly himself** and Mr. O’Connell.† It must also be remembered, that the other object of the “rent,” stated in this resolution, had been just before publicly called by Mr. Shiel “a means of organizing and affiliating the people, by which every man, who contributes the smallest fraction of money, be-

* Coms. Com. 252.

† Lords’ Com. p. 255.

“ comes the member of a vast corporation instituted for the liberty of Ireland.” *

And lest there should be any doubt that the Archbishop, and the Meeting, over which he presided, entered into the full force of Mr. Shiel's language on this occasion, their 14th unanimous Resolution proclaims, “ That Robert Shiel, Esq. is *pre-eminently* entitled to the *gratitude* of the Roman Catholics of this province, whose cause he has so often advocated, with that splendid eloquence and *uncompromising energy*, which render him at once *the pride and bulwark of his suffering fellow-countrymen*.”

I will here beg leave to adduce one or two other specimens of this gentleman's “ *uncompromising energy*,” which has entitled him to his Grace's signal praise and gratitude.

In his Speech at the Roman Catholic Association, made about a fortnight before this Connaught Meeting, and to which it is quite evident, that the resolution of that Meeting particularly referred, this “ permitted incendiary,” as he has been called, thus expresses himself :—†

“ Much has been already done, but much more may

* See above, p. 155.

† Dublin Evening Mail, 22 Sept. 1827.

“ still be done. We have admirable materials in our
“ hands. *In every parish in Ireland there is a parish*
“ *priest and a curate. The Clergy of Ireland consti-*
“ *tute a sort of intellectual aristocracy, and supply the*
“ *place of an aristocracy of rank or wealth, in which*
“ *we are deficient.* I shall take an early opportunity
“ of carrying into effect, a project which I before sug-
“ gested, of establishing a communication between a
“ central committee of correspondence and every parish
“ in Ireland. Thus simultaneous meetings, through the
“ whole country may be produced. There are difficul-
“ ties in the way, but difficulties vanish before the
“ spirit of genuine enterprise. A great exertion ought
“ to be, and by the blessing of God, shall be made.
“ *The whole population of Ireland shall be aroused—a*
“ *fiercer ardour for liberty, than ever yet was raised,*
“ *shall be called up,* and the tables of the Legislature
“ shall groan beneath the burthen of petitions that
“ shall be accumulated upon them. *Let our English*
“ *Legislators learn what they have to expect from the*
“ *refusal of all justice to our country.* It cannot be too
“ often and too powerfully impressed upon them. Let
“ there be no prostration, no debasement, in the senti-
“ ments which those petitions shall breathe; *let us de-*
“ *mand our equalization as a right, indefeasible and*
“ *immutable,* and show that when we ask for liberty, we
“ are animated by the emotions of men who are de-
“ serving to be free. The tone and the attitude of Ire-
“ land should correspond with her increasing import-
“ ance and power. She should stand at the bar of the
“ Legislature erect and independent;—and stretching
“ forth her vigorous and gigantic arm, upon which a

“ chain should no longer be worn,—she should remind
 “ her oppressors of the breach of contracts, of the in-
 “ fractions of treaties, of the violation of all right, of
 “ the outrage upon all honour,—and, having demon-
 “ strated her injuries, having disclosed all her wrongs,
 “ having torn open her bosom, if I may so say, and
 “ shewn the hideous cancer of faction eating her to the
 “ heart, and corroding the life and substance of her
 “ being, she should tell them that *she will be eventually*
 “ *as strong as she is miserable*, and exclaim, ‘ *Do me*
 “ *justice—rescue me from wretchedness, and from dis-*
 “ *traction—give me back my liberty—raise me to the*
 “ *place I should maintain in the empire—give me*
 “ *back my spoliated rights—restore me to my violated*
 “ *franchises—give me back my liberty—or . . .*
 “ *. I pause upon the brink of the alter-*
 “ *native to which I have hurried; and receding from*
 “ *it, leave it to you to complete the sentence.’ ”—*
 (Loud cheers.)

The first emotion excited by the perusal of
 this choice effusion (after a little old-fashioned
 indignation) is a feeling of curiosity—a desire
 of knowing, whether the ancient office of At-
 torney-General in Ireland is merely a channel
 for conveying six or seven thousand pounds per
 annum into the pockets of some liberal lawyer,
 —or still continues to be encumbered with
 certain duties. The next emotion is grati-
 tude to Mr. Shiel, for drawing forth so very
 distinct an expression of the real principles

and feelings of the Most Rev. Dr. Kelly,* the Roman Catholic Archbishop of Tuam, a prelate who has well merited the especial thanks of the Association† in Dublin, for his more than common zeal.

The next prelate, whom I shall adduce, is the Right Rev. Dr. Burke, R. C. Coadjutor Bishop of Elphin, who did himself the honour of presiding at a dinner given by the forty-shilling

* This same prelate, in September, 1826, is stated to have addressed several thousand persons, at a meeting held under the ruins of the ancient Abbey of Murisk, in the County of Mayo, in the following terms: “ Look around, and behold those venerable ruins under which we are assembled—such is the disgraceful and oppressive system of the penal laws, that if I had means of throwing a roof over this building, that you might congregate here for the worship of God, that act would be illegal, although this church was built by the pious offerings of your ancestors. On every side to which we turn, there are pains and penalties for the persecuted Catholic. Is he not compelled to break through the ordinances of his church, or be dismissed from his employment? Must he not work at factories not far from where we now stand, on days on which he should worship his God, or be turned out of employment, and stigmatized by the name of Papist? My friends, these things are quite familiar to us; *if any other nation suffered as we have suffered, if our English friends were to endure such oppression*, do you not imagine that they would be long since removed?”

† Mr. O’Connell’s Speech in the Association, Friday, Jan. 25, 1828.

freeholders at Sligo, on the 14th of November, 1827, “to their distinguished and valued coun-tryman, Mr. Lawless,” a gentleman connected with the public press in Ireland, for whom, I must frankly confess, I have far more respect, than for all the other orators of the Association. There is an air of honesty and sincerity, whatever be thought of his wisdom or moderation, in all he says, which places him far above the majority of those who commonly address that Assembly. But for Dr. Burke.

That Right Rev. person, in the course of discharging his function of toast-master, rose and said, “to guard against the misconception of the next toast, ‘*Ireland as she ought to be,*’ I simply mean, that she should cease to be treated as an alien, and should receive something like paternal affection.” Admirable prudence! “Ireland as she ought to be” having been disposed of, the Chairman again rose, —“Gentlemen, fill a bumper full as your hearts. I cannot select a more appropriate time than the present, after the toast we have already drank, to give the health of our highly-distinguished guest.” “He has advocated the liberties of Ireland fearlessly and honestly.” “*He has spurred on to the glorious cause of liberty and independence, many who*

“ would otherwise have remained in a state of
“ apathy and indifference, and communicated to
“ them *the electric fluid of patriotism, with which*
“ *he is surcharged!*” “ So long as Ireland has
“ a name in the nations around her, his name
“ shall live in the records of his country, and
“ be pronounced as the watch-word of civil
“ and religious liberty.” “ He stands this
“ day upon an elevated pedestal, to be gazed
“ on with delight and admiration. I shall no
“ longer restrain your impatience, but shall
“ propose the health of John Lawless, Esq.”

This gentleman immediately proved his title to the venerable prelate's panegyric by a long and animated speech, of which the following is a specimen:—“ What Englishman will re-
“ fuse to acknowledge the cruelty and in-
“ justice which my country has suffered?—
“ None; no, not one but him whose heart
“ and head are corrupted by place, and power,
“ and pension—then Protestant and Catholic
“ are equally the sycophant and the slave;
“ but the unplaced, the unpensioned English-
“ man, Scotchman, or Irishman, cannot close
“ his eyes upon the *damned injustice under*
“ *which Ireland* has suffered, and *continues to*
“ *suffer.* England drew the sword and con-
“ quered,—Scotland drew the sword and con-

“*quered,—you petitioned, and you are still in*
“*chains.—(Cheers.) You petitioned, against*
“*what?—against a system which would drive*
“*England into rebellion, call up all her great and*
“*glorious spirits, and once more revive the scene*
“*of Runnimeade.*”

It is but justice to Mr. Lawless here to say, that the debate in the English House of Commons, in March last, afforded him very high Protestant legal authority for this part of his argument. But he proceeds: “What is that system? I put it thus: suppose this a Protestant nation, the great majority Protestant—suppose the Established Church Catholic, the Bench of Justice Catholic, the High Sheriffs Catholic,—the industry, the sweat and labour of the Protestant community were eternally drawn upon by the avarice, and profusion, and insolence of Catholic monopoly. (Loud cheers.) What would be the feelings of this Protestant Ireland? Would they petition? Yes; but it would be a Petition of Rights, asserting their place in their country, and dissipating to the world the audacious usurpers of their rights and privileges. Catholic Ireland bows her head, and year after year, goes, like a beggar, with her petition to the bar of a Foreign Parliament. Two-

“ and-twenty years she has been travelling this
“ weary journey; for twenty-two years she has
“ been insulted and mocked with one plea or
“ another.”

I will not cull any more flowers of this gentleman's rhetoric; but will proceed to identify his feelings with those of the Right Reverend Chairman. That personage's health having been proposed by Mr. Lawless himself, his gratitude and admiration were thus expressed:
“ After the flow of eloquence which you have
“ just heard, and *which must have thrilled to the*
“ *heart's core*, how can an humble individual,
“ like myself, attempt to address you?” “ I
“ know we members of the prelacy are charged
“ with being too fond of mixing in politics;”
“ but surely the enlightened and discriminating
“ will allow us the privilege of advocating and
“ mingling in that struggle for the religious
“ freedom of our fellow men; and how could
“ six or seven and twenty Bishops, and two
“ thousand priests, prevent that religion from
“ being wholly swept away, did not the people
“ stick to us? *Shame should attach to us, unless*
“ *we persevered in the same course, and embarked*
“ *in the same vessel.*” “ I feel it the highest
“ honour to have my health proposed *by so il-*
“ *lustrious an individual.* I am not sufficient to

“ the task of returning my thanks, but I offer
“ you the homage of a grateful heart.”*

From the Right Rev. Dr. Burke proceed we to the Right Rev. *Dr. Egan, R. C. Bishop of Ardfert*. But to this prelate, and those that follow, I cannot afford so much space as to his preceding brethren.

At the aggregate meeting of the Roman Catholics of Kerry, held in the *Chapel* of Killarney, by his Lordship's express permission, on the 7th of December last, Dr. Egan “ proposed the
“ resolution of *thanks to the Association*. Ireland,” he said, “ was deeply indebted to that
“ *invaluable* body. *It had supported the hierarchy*, and protected the people.” “ He
“ would not praise the Catholic Association,
“ the universal voice of Ireland had already
“ proclaimed *its title to the most unbounded confidence*.”

The Right Rev. *Dr. Waldron, R. C. Bishop of Killala*, summoned and presided over a meeting of his clergy, at Ballina, on the 27th September last, at which it was unanimously resolved, “ That *we (the clergy)* pledge ourselves
“ not to relax our constitutional efforts, until
“ that *unconditional Emancipation* shall have been

* See “ The Western Luminary,” Sligo, Nov. 23, 1827.

“ achieved, *without which Ireland cannot be contented, nor the British Empire secure.*”

They further resolved, “ That for the vigour
“ with which the prostrate freeholders at length
“ arose, and simultaneously walked forth out
“ of their political thralldom, they have fixed
“ the admiration, and earned the gratitude of
“ the Empire,—and that in this tardy exertion
“ of their independence, we recognize a just
“ retribution exercised on some landlords, *who*
“ *have perfidiously striven to sunder the sacred*
“ *connexion that has hitherto bound the pastor and*
“ *the people.*”

The Right Rev. *Dr. Kernan, R. C. Bishop of Clogher*, in a circular letter to his clergy, dated Carrickmacross, Jan. 2, 1828, calls on them to forward the plan of simultaneous meetings throughout Ireland, in conformity to the application of “ their inestimable friend, and highly
“ distinguished countryman, Daniel O’Con-
“ nell;” and he concludes in the following terms—“ I have, therefore, to request you will
“ call a meeting of the Catholics of your parish,
“ to be held on Sunday the 13th inst. for the
“ laudable and highly necessary purpose of
“ petitioning Parliament for emancipation, and
“ thereby effecting *the redemption of the Catholics*

“ of Ireland from slavery, and establishing peace throughout our unhappy country.”

The Right Rev. *Dr. Ffrench, R. C. Bishop of Kilmacduagh*, and Warden of Galway, writes to Mr. O’Connell, that “ in compliance with his just and patriotic request, he had lost no time to issue circulars, praying his clergy to hold simultaneous meetings on the 13th of January, in order to petition Parliament for a full and unqualified repeal of the penal code, affecting their just and natural rights as men and citizens,” and concludes with “ assuring him, that no one values more his unwearied exertions in favour of civil and religious liberty.”

The Right Rev. *Dr. Coppinger, R. C. Bishop of Cloyne*, “ the patriarch of the Irish Church,” (as his lay namesake calls him,) the rival of Mr. O’Connell himself, in the merit of introducing the Catholic rent; “ for,” says the orator, “ if Mr. O’C. gave that measure its birth and name, it received its confirmation from Dr. Coppinger;”—this venerable person informs the Association, in a letter dated Jan. 3, that he had partly anticipated Mr. O’Connell’s communication on the subject of parochial petitions, by announcing it from the pulpit, *most*

“ *emphatically* :—and that he moreover had sent
 “ to Cork, a *form of prayer* to be read on the
 “ occasion, upon Sunday the 13th, and upon
 “ every subsequent one, until the result of their
 “ petitions should be made known.”

In reference to this letter, Mr. O’Connell, after “ hoping the other prelates would adopt
 “ the plan,” made the following very significant remark: “ *A large portion of his Majesty’s army*
 “ *were Catholics*; and it would be *most useful*,
 “ after having devoted the week to the service
 “ of their King, that their thoughts should, on
 “ the Sabbath day, be directed to their God
 “ and to *their country*.”

The Most Rev. *Dr. Murray, R. C. Archbishop of Dublin*, “ felt grateful to the Association for
 “ the kind manner in which they received his
 “ subscription to the Catholic rent, and *expressed*
 “ *himself warmly attached to that body*.”

The Right Rev. *Dr. Coen, R. C. Coadjutor Bishop of Clonfert*, and *Dr. J. Kelly, R. C. Bishop of Dromore*, send in their adhesion in very ample form—so does *Dr. Logan, R. C. Bishop of Meath*, in terms of the most flattering confidence in Mr. O’Connell.

The R. C. Primate of all Ireland, *the Most Rev. Dr. Curtis, Archbishop of Armagh*, goes further. He not only adopts the measure of

the simultaneous meetings on the 13th of January, and announces his zealous exertions for raising the Catholic rent ; but he also promises Mr. O'Connell his support in his future measures, as he " shall always feel extremely " happy to afford Mr. O'C. every proof in his " power, of that sincere respect, esteem, and " gratitude, to which he has so many indis- " putable and *daily-increasing* claims on the " whole Catholic body."

It is a matter of reasonable curiosity to inquire what his Grace considered on January 2, the date of this letter, to be Mr. O'Connell's " daily " increasing claims," and a reference to the measures proposed, and the language held by that gentleman, just before that time, in the Catholic Association, will give us the information we desire. It appears, then, that the immediate occasion of his Grace's high panegyric was " a Circular Address, imploring the aid, " countenance, and active co-operation of the " venerable and venerated Catholic Clergy of " Ireland," in holding simultaneous meetings on Sunday the 13th of January, immediately after the last mass, to petition the legislature " for relief *from the most cruel as well as cause- " less persecution that ever afflicted any nation.*" It also appears, that on the day when Mr.

O'Connell proposed this Address, the 27th of December last, he said to the meeting, "There always has been one measure, the darling object of my life,—I mean *the Repeal of the Union*. If Ireland had a legislature, &c. Are you then astonished to hear me declare, that *there is but one safety for Ireland, the Repeal of the Union?*" (Cheers.)

I need not seek for further instances. I will only remark that one only prelate, the Most Rev. *Dr. Laffan, Roman Catholic Archbishop of Cashell*, having been applauded in the Protestant newspapers, for discountenancing the simultaneous meetings, "the foul calumny" was indignantly disclaimed; and the Rev. Mr. Ryan, one of his priests, after denying "the imputation against his ordinary," declared, that "he would have remained in his wished-for retirement, but *Catholic affairs had now taken such a turn, that longer silence would be a crime in the Catholic Clergy*—(loud cheers,) it would, in his mind, be a dereliction of that duty which the Catholic clergy owed to their country and their God."—"It was the duty of every man to show, that he felt that he was a slave, and that he was determined to be free. Sooner would the Atlantic run dry, than that thirst be quenched, unless by a full draught

“ from the fountain of freedom.—(Applause.)
“ He wished a priest from every parish in Ire-
“ land was present. Their feelings were the
“ feelings of the people. *They would generate a*
“ *focus of discontent.* (Hear, hear.) It would give
“ a lesson to—he would not call them oppres-
“ sors”—(amiably forbearance!) “ to their much
“ mistaken rulers.”*—(Cheers.)

Before I quit this part of my subject, I must exhibit Mr. Shiel's confident reliance on the co-operation of the hierarchy and clergy, and his previous description of the mode, in which his own measure, the holding “ simultaneous meetings on Sunday, the 13th of January,” would be carried into effect.

“ Seven millions of the inhabitants of this country have been enjoined to meet in the temples of their ancient creed at the same moment. The priest will appear in his stole—he will ascend the steps of the altar—he will offer the holy and mysterious sacrifice, and lift up the chalice with *his consecrated hands* to Heaven. His fellow believers will bow down in the performance of that solemn and venerable rite, and when the divine oblation shall have been concluded, the minister of a worship endeared by long suffering for its sake to the people, shall turn round and say, ‘ I am a citizen as well as a priest, and in my double character,

* Catholic Association, January 19th, 1828.

and, *in the name of your country and of your God, I call on you to seek redress for the wrongs of the one, and to relieve from shame the religion of the other.*—(Cheers.) This, or language like this, uttered at the same instant from every altar, will achieve much.”

Such was the plan as at first devised; we have seen how assiduously—to speak with Dr. Coppinger, how “*most emphatically*” the Prelates recommended it; and we will now see how faithfully the priesthood laboured to execute it. Of innumerable instances, one shall suffice:—

“ST. JOHN’S (WATERFORD.)

“As soon as possible *after the conclusion of the last mass*, the Rev. Thomas Dixon, Catholic Curate, was called to the chair” (in his *Chapel*, be it remembered) “by loud and continued acclamation. When the applause had subsided, he explained the object of the meeting, namely, to advance their great and glorious cause. ‘*They felt the iron grasp of slavery,—the springs of society were poisoned by the policy pursued towards the country. They would not, they could not be satisfied, until the system was entirely abolished.*’ It had been said, that their meetings were too numerous; but if their labours *in the sacred cause* were to be commensurate with the magnitude of the evil, they could not assemble too often. If they could not obtain the repeal of the present penal laws, they would at least keep their opponents from enacting new. *They deserved a state of everlasting ignominy and prostration*, if they did not vigorously labour until they obtained

‘full, unconditional, and unqualified emancipation.’ The Rev. Orator then adverted sharply to the Vestry and Subletting Acts, and concluded his *energetic address amidst deafening cheers from his parishioners.*”*

* This is an extract from “The Waterford Mirror,” given in the Dublin “Morning Register.” I am induced to subjoin one other instance, though not from the number of simultaneous meetings. At a meeting of the Parish of Nenagh on the 1st of January last, at which “an *immense multitude of the lower orders* attended, and took a lively interest in the proceedings,” the Rev. Mr. Barry spoke as follows:—“We are now met in this sacred edifice, not to give vent to any acrid or hostile spirit unbefitting the solemn occasion, but to vindicate the dignity of the national character, to lift our voices in defence of an oppressed people, and to proclaim the cruelty and injustice of that execrable Code, by which our country has been brought to a state of ruin and degradation, unparalleled in the annals of the world.—(Cheers.) Sure he was, that *the spectacle of a faithful, but deeply injured people, asserting the dignity and rights of human nature, was a sight not uninteresting to Heaven.*—(Hear, hear.) To God, who is the principle of order and justice, *slavery and oppression* are an abomination. God has impressed on the heart of man the sacred love of liberty. *He wills not, that Slavery disfigure and debase his noblest work.* (Cheers.)”—“What can be more ignominious than the savageness of a people proud of their own liberties, but wickedly attempting to destroy the liberty and happiness of another?—(Cheers.) But the faith of history informs us, that the power and influence of a *Government raised by injustice on the ruins of the people, is like a Colossus of clay*, which astonishes for a moment, but crumbles into clay at the first occasional shock.—(Immense

Having thus identified the feelings of the Hierarchy and Clergy with the most infuriate violence of the lay agitators, I must recur to the remark which I before suggested,—that in one important particular there is a wide difference in the two descriptions;—the clergy, and especially the Prelates, have evinced none of that apprehension of the ultimate results of their measures, which seems, on the sudden, to have paralysed their legal brethren. And,

“*Cheers.*) Whether this political truth might be illustrated
 “in the fate of England, a little time may develope. Perhaps
 “*a crisis was arising, when England may stand in need of the*
 “*vigorous assistance of the faithful Irish.*—(Hear.) But how
 “could she hope to secure the services of men whom she
 “cruelly deprives of the enjoyment of peace, *property*,” (a portentous word) “and constitutional freedom?—(Cheers.) As
 “they loved peace and order, they ought to appeal to the justice, policy, and interest of the English people, to heal the
 “wounds and redress the grievances of this suffering country,
 “*ere it be too late. For, if the hour of danger should arrive,*
 “*and Ireland continue smarting with the recollection of her*
 “*wrongs, he conceived the ‘decline and fall’ of England inevitable.*—(Cheers.) And posterity would have no pity for a
 “besotted nation, which, when difficulties and dangers gathered
 “*thick around it*, sacrificed its fame and stability to antiquated
 “prejudices—which clung to that intolerance, of which the
 “rest of Europe had grown ashamed—which talked proudly
 “of human rights, yet practised injustice—which boasted of
 “being free, yet never learned to be just,” &c. &c.

for the cause of this difference, we need only to look to the obvious and characteristic distinctions between them. The one body are connected, not only in their personal interests, but by the dearest ties of domestic affection, with the present prosperity and future peace of their country—to the other, their Church is their family—its interests are their main or only object of affection—in forwarding those interests, their views are not limited to the land in which they live, much less to the age on which their lot is cast—to promote the cause of Catholicity, and, in that, of the spiritual domination of their own Apostolic order, is an object, to which their individual comfort, and even their lives, would, if it were necessary, be sacrificed without a murmur. Principles, in short, of the highest, the most generous, and most sacred kind, mix with their dreams of personal or corporate ambition, and elevate and sanctify the whole.

If, in this complex state of their feelings, there is something to approve, and much to admire, there is more to condemn, and, most unhappily, there is every thing to dread. To the sober inquirer into the dangers to be apprehended from them, it will not appear least remarkable, that they venture on the profession of

principles, which we are sure they do not hold, and have recourse to expedients, which nothing but the sacredness of the end proposed can appear, even to themselves, to justify.

They profess, as we have already seen, to admit, nay, zealously to contend for, the right of private judgment in matters of religion. Their Coadjutor Bishop of Elphin, Dr. Burke, gave the sanction of his warmest praise to a speech of Mr. Lawless, in which he described *Presbyterianism* as “*a Religion based on the freedom of the human mind.*” Their Coadjutor Bishop of Killala, Dr. Mac Hale, in a petition to Parliament, drawn up by him, (as Mr. O’Connell informed the Association on the 21st of January,) from the parish of Kilmore Moy, speaks of the present disabilities of the Roman Catholics as “*a coercion of that freedom of conscience, which is the birth-right not only of every British subject, but of every individual of the human race.*” Yet (will it be believed?) the man, who has the confidence to put these words into the mouth of his lay-subjects for the purpose of deceiving a Parliament of Protestants, has thus expressed himself in his own notorious work, the “*Letters of Hierophilos to Mr. Canning,*” p. 82. “*Though the Catholic Church venerates the Scriptures more than the sectaries, she*

“never will descend to capitulate with those, who, in defiance of the express words of the Bible, which they would fain revere, have renounced her lawful authority.”

They have voted, by their Archbishop of Tuam, “that *liberty of conscience* is the inherent right of all mankind, and cannot be taken away without oppression, or surrendered without a crime.”* They have declared by their Bishop of Ardfert, that it is “good sense and fine feeling to leave every man to his own conscience, and to permit all Christians *to go to Heaven their own way.*”†—(Laughter and cheers.)

The laughter which accompanied the plaudits of the Right Rev. Prelate’s audience, proves how excellently well he played his part. But is it quite prudent to venture on so broad a farce? We Protestants are not ignorant, that the Catechism, which Dr. Egan is bound to recognize as containing the doctrine of his Church, nay, “to have faithfully translated into the vulgar tongue, and expounded to the

* See above, p. 198.

† Dr. Egan’s Speech at Kerry Aggregate Meeting, the 7th of December last. I cite the passage from one of the accredited Roman Catholic newspapers, the Dublin Morning Register.

“people by all curates,” (the Catechism of the Council of Trent,) declares, “that heretics, though they have fallen from the Church, and belong to it no more than vagabonds and renegadoes belong to an army, from which they have run away, are yet *in the power of the Church, to be judged by her, to be punished, and condemned with an anathema.*” The oath, which Dr. Egan must repeatedly have taken, on appointment to his successive preferments, has declared “the Church of Rome to be the Mother and *Mistress* of all the Churches,”—the bull “*Unam Sanctam*,”* taught in the Text Book at

* The part of this celebrated Bull, which is *decretal*, and, as such, contains the doctrine of the Church, is as follows:—“*Porrò subesse Romano Pontifici omnem humanam creaturam, declaramus, definimus, et pronunciamus, omninè esse de necessitate salutis.*” On this passage Delahogue, *De Ecclesiâ*, the Class-Book at Maynooth, remarks, “*Quod quidem quisque Catholicus admittit in Spiritualibus: sed ipse Pontifex ex divinâ Providentiâ a memorandis temporalibus abstinuit.*” p. 264.

Dr. Slevin distinctly affirms the same (8th Rep. Com. Ed. Inq. p. 191.) It is quite plain, therefore, that this is the doctrine taught at Maynooth, and that this Bull is there (as well as elsewhere) fully accepted. Yet Dr. Doyle, in his eager desire to cajole the Protestant statesmen of the empire, has not scrupled to affirm, that the Bull “*Unam Sanctam*” is “*rejected by the world.*”—*Essay on the Catholic Claims, addressed to the Earl of Liverpool*, p. 38.

Maynooth, to be of indisputable authority, declares that "*it is necessary to salvation to be subject to the Pope.*" Every divine of the Church of Rome must hold, and does hold, as Dr. Doyle has expressly admitted, that even if invincible ignorance protect an individual from the guilt of heresy, yet if he belong not to the visible Church of Rome, he cannot have the pardon of his sins, committed after baptism, because that pardon is dispensed only in the sacraments, which, out of that visible Church, he cannot receive. All this (and more than all this might be cited, if more were necessary,) but all this, I say, must have been *believed* by *Dr. Egan*, when he ventured to tell the aggregate meeting of the county of Kerry, in his own chapel at Killarney, that "it is good sense and fine feeling
 " to leave every man to his own conscience, and
 " to permit all Christians to go to Heaven in
 " their own way."

But we shall doubtless be told, that all that Dr. Egan intended, was, to deny the wisdom, or the right, of the State to interfere by laws, affecting temporal interests, with the religious opinions of its subjects. Be it so. Then, on this matter, I appeal from the Right Rev. Dr. Egan to his Holiness Pius VI. That Pontiff, in an allocution on the 29th of March, 1790,

spoke as follows: " Protestants have been rendered eligible" (in France) " to fill all employments, whether municipal, civil, military, &c. Can we, on being informed of these events, keep silence on so many evils, and not raise our apostolic voice against those fatal decrees whose object is to destroy religion?"

The same Pope, in his circular letter to all the Cardinals, dated Feb. 5, 1808, thus reprobates the clause in Buonaparte's code, granting the liberty of every species of public worship: "This article," says he, " was rejected by us, as *contrary to the canons, and to the councils, to the Catholic Religion, to the tranquillity of life, and to the happiness of the State, by the mournful consequences which would flow from it.*"*

In July 1815, the Roman Catholic Bishops of Belgium addressed a strong remonstrance to their Sovereign on a similar law. They say to him, " Sire, *the existence and the privileges of the Catholic Church, in this part of your kingdom, are inconsistent with an article of the plan of the new Constitution, by which equal favour and protection are promised to all reli-*

* Relation de ce qui s'est passé a Rome, &c. t. i. p. 43. London: Keating and Brown, 1812.

“*gions.*” Again, they say, “We do not hesitate to declare to your Majesty, that *the canonical laws*, which are sanctioned by the “ancient Constitutions of the country,” (and the authority of which have been acknowledged on oath by the Roman Catholic Prelates of Ireland) “are *inconsistent with* the projected Constitution which would give in Belgium equal “*favour and protection to all religions.*” *

But, whatever may have been held or done elsewhere, in Ireland, Mr. O’Connell assures us, “the Catholics were always the friends of civil “and religious liberty. In the reign of James “II. the Catholics got power, and *they exercised “it calmly, and without avenging themselves on “their foes.*”† God shield our brethren in that unhappy country from ever again experiencing such tender mercies ! History can hardly parallel the monstrous iniquities which were

* See this important document in the Annual Register of 1815.

† Mr. O’Connell’s Speech at Catholic Meeting, Dec. 31, 1827. On Monday, January 21st, he said further—“The “Irish Parliament was, during that reign, composed of *more “than five-sixths Catholics ;*” (which could not have been without the most illegal and tyrannical management of the Corporations ;) “*they never persecuted one single Protestant ; they “never passed one persecuting law.*”

perpetrated on the Protestants of Ireland, during this brief period of subjection to their unrelenting enemies. Though the dread of the indignation of England withheld the government from venturing on measures of public violence, yet private bigotry and malice were allowed, nay incited, to hold their detestable course without restraint. All the rights of property were, practically, extinguished: not only were the movables, even the provisions, of Protestants, openly plundered, but the titles to their estates were assailed by every artifice of fraud and perjury, which the most undisguised partiality* of the Courts could encourage. Their houses, meanwhile, were burned, their lives threatened,

* “The Lord Chancellor, Sir Alexander Fitton, after hearing a cause between a Protestant and a Papist, would often declare that he would consult a divine, before he gave a decree—that is, he would have the opinion of a Popish Priest, his chaplain, educated in Spain, and furnished with distinctions to satisfy his conscience, how far he should do justice to Protestants.”—Archbp. King’s State of the Protestants in Ireland under King James II. p. 60, 4to. 1691. Of the Chief Justice of the King’s Bench, Nugent, made by James Lord Riverstown, Archbishop King says, “In all the causes that ever were before him, wherein plaintiffs and defendants were Papists and Protestants, I could never learn, from the most diligent observer, that he ever gave sentence for the latter.” Ib.

and in many instances actually invaded. When, at length, all, who possessed the means of escape, had been driven for refuge into England, a Parliament was called, consisting almost entirely of Papists;* one of whose earliest acts was to pass a sweeping bill of attainder, more bloody than the bloodiest proscription of ancient Rome. Without any judicial proof, or even inquiry, but merely on "common fame," near five and twenty hundred of the most eminent persons in the kingdom, peers and peeresses, bishops and archbishops, knights, esquires, and gentlemen, were by name attainted, robbed of their estates, sentenced to the death of traitors, "if they did not come in against a certain day; and yet the law, that subjected them to this penalty, was made a secret, and they not suffered to know one word of it, till the time allowed them to come in was past at least three months."†

* There remained in Ireland only *four* or five out of 69 Protestant temporal peers, and only seven spiritual lords. The House of Commons was filled with Papists, the charters of corporations having been seized into the king's hands, by illegal quo warrantos.—King, p. 151.

† King, p. 159. If we condemn the extreme severity of the penal code, which was afterwards enacted, can we wonder at its adoption by men smarting under the recollection of such atrocities?

Such was the mode in which the Roman Catholics of Ireland proved themselves “the friends “ of *civil and religious liberty*,” when last they raised that sacred cry; and, till Mr. O’Connell shall have erased the records of nations, and stifled the voice of history,—such is the lesson which that warning voice will not cease to impress on the memory of every reflecting Protestant.

But I am tired of these details; and other matter, equally momentous, and equally wearisome, remains behind.

Language and avowed Intentions of Irish Roman Catholics respecting the Protestant Church.

I must show what the Irish Roman Catholic prelates, and their lay instruments, say of the *Protestant Church*—and what are their avowed intentions in reference to it.

Mr. Lawless, in the Speech so rapturously applauded by the Right Rev. Dr. Burke, the Chairman of the festive day at Sligo, described the Clergy of the Established Church, *in England*, as “watch-towers of corruption—mountains “ which oppress by their weight, and wither by “ their shade,—the drag-chains on the wheels “ of society—interrupting all social intercourse

“—*perverting human feeling—making religion odious to the people*, an instrument of torture, taxation, and fraud, instead of being, as it ought to be, the shield of protection to the helpless, the honest, and the virtuous.”

Mr. Shiel, who was declared in a resolution “*carried by acclamation*,” at the R. C. Archbishop of Tuam’s Connaught Meeting, to be “*pre-eminently* entitled to the *gratitude* of the Roman Catholics, for the splendid eloquence and *uncompromising energy*, which render him at once *the pride and bulwark* of his suffering fellow-countrymen ;”—this gentleman, at a recent sitting of the association, thus spoke: “The other topic, to which I refer, is the Established Church.—(Hear.) We have too long observed a prudential silence in relation to *that enormous mass of abuses, that huge accumulation of evil*, that — what shall I call it?—*that nuisance in politics, and monstrosity in religion—the anti-christian and anti-apostolic opulence of the Established Church*.” He afterwards proceeded in a tone, which, I verily believe, was never before ventured upon,—never, I am sure, applauded,—in any assembly of *men*.—“Good God! what an object a bishop of the Establishment presents upon his death-bed! He grasps with his trembling hands,

“shaken with the tremour of agony, a renewal
 “fine of ten thousand pounds, and then he goes
 “to pass his account before ‘Heaven’s high
 “‘Chancery,’ where he will, I fear, get but few
 “credits, and an enormous balance will be struck
 “in favour of the devil.” — (*Loud laughter*).
 “The death of a bishop!” — (*Cheers.*) “It is
 “a fertile theme, and to which I shall revert.
 “I wonder how the late Bishop of Winchester
 “looked, when his mitred spectre stood before
 “the face of the living God, before whom, we
 “are told by himself, it is dreadful to appear.”*
 Language, like this, will appear to English
 readers, too detestable to be at all dangerous.
 But I must inform them, not only that it was
 received with the loudest applause by the Asso-
 ciation, but that this very Speech was delivered
 there, a very few days before the Roman Ca-
 tholic Prelates of Ireland addressed to that body
 their warm and unqualified approbation of its
 past proceedings, and promised their earnest co-
 operation for the future.

From the many testimonies of *Mr. O’Con-*
nell’s feelings towards the Established Church,

* I cite from the “Morning Register,” one of the most
 favoured Roman Catholic papers.

I shall select but one—if not the most eloquent, it is, however, one of the most important.

“ *It would be well, if religion were put on the same footing in these countries, as in America.* There, every man may choose what pastor he pleases, and, if he please, choose to have none at all: he may frequent every place of worship, and, if he choose, he may go to none at all. I believe in the truths of the Christian religion with all the certainty of faith; and it is because I so believe, that I consider the plan adopted in America as the best. It is a fact, that there is no country on the face of the globe, in which there is so much real attention paid to religion, its performance, ceremonies, and substances, as in that country of

‘Happy homes and altars free.’

“ *I struggle for that state of things here.*”

Now there are two considerations which give peculiar importance and significance to this declaration of Mr. O’Connell; first, it was delivered by him “at one of the most numerous and respectable meetings ever witnessed,—*Lord Killeen in the Chair*; and that noble Lord, in opening the business of the day, had congratulated the meeting on the *singular unanimity*, which existed among them.”

Secondly, and chiefly, it was delivered a very few days only before the R. C. Prelates sent in their "adhesion," and, in particular, before their Primate thus addressed Mr. O'Connell, in a formal letter signed "P. Curtis, Archbishop."

"I shall always feel extremely happy to afford you every proof in my power of that sincere respect, esteem, and gratitude, to which you have so many indisputable, and *daily increasing* claims, not on me alone, but on the whole Catholic body."

This speech of Mr. O'Connell's, therefore, cannot but be considered as in strict harmony with the feelings of the Irish Roman Catholics in general, and, above all, of their Prelates.

But I must say something of the declared sentiments of some of these Prelates themselves.

The Right Rev. *Dr. Mac Hale*, Coadjutor Bishop of Killala, second only to Dr. Doyle in reputation among them, in his "Letters of Hierophilos to Mr. Canning," speaks of the Established Religion as "a Religion of mere State creation, which cannot lend to the State any other authority, than that which it has received from the State to which it owes its creation;"*—a Religion whose "tendency is to

* Hierophilos, p. 29.

“ lead to that indifference about truth or error,
 “ which *extinguishes those moral obligations,*
 “ that mitigate the sway of the government, and
 “ ennoble the obedience of the subject.”* “ The
 “ Establishment, instead of being a connecting
 “ medium between England and Ireland, is cal-
 “ culated to keep them asunder ;” and, in per-
 “ fect accordance with this declaration, he imme-
 “ diately adds, “ doubtless, the two countries
 “ should approach with stronger affinities by
 “ *the removal of the intermediate body,* with
 “ which one cannot associate.” Not, however,
 that he would be “ numbered among those rash
 “ theorists, who, without regard to the urgency
 “ of circumstances, would *instantly* subvert a
 “ long-established system. With such theorists
 “ he has no concern, conscious that their *imma-*
 “ *ture* conceptions would be often more dan-
 “ gerous in their execution than *inveterate*
 “ *abuses.*”† In conclusion of the whole, he
 very considerably tells his readers, that “ a
 “ stronger faith in the fundamental doctrines of
 “ Christianity is necessary for the *sickly mo-*
 “ *rality of the English nation;* and that a *large*
 “ *infusion of the sound principles of Catholics,*
 “ *instead of endangering its existence, would*

* Hierophilos, p 37.

† Ib. p. 59.

*“finally prove the salvation of the Constitution.”**

If, after this, our legislature will be blind to the intentions of these Right Reverend personages, and their followers, it is not Dr. Mac Hale's fault,—nor, I am bold to say, shall it be mine.

Turn we to *Dr. Doyle*.—I will not again encounter the disgusting task of collecting this Prelate's scurrilous abuse of the Established Church; (that has been done sufficiently already;†) but I shall confine myself to his calmer statements of *the utter invalidity of our Episcopal Order*, and his intimations of what is *due in justice to the Bishops of his own Communion*.

* Hierophilos, p. 96. As a specimen of robust and sturdy virtue, in contradistinction to “the sickly morality” of us weak Protestants, I shall give (see Appendix) some extracts from Dr. Mac Hale's sworn evidence before the Commissioners of Education Inquiry in Ireland, 8th Report.

† See “Supplemental Letter to Mr. Butler,” pp. 606-7, and “A Letter to the Right Hon. G. Canning,” p. 99. I will subjoin only one specimen of his more recent language on the same subject, taken from p. 102 of his Reply to the “Charge of the Protestant Archbishop of Dublin,” and published in 1827. “The Established Church is loyal, who doubts it?—“where is the *pampered slave* who is not attached to his “master?”

Denial of the Validity of Ordination in the Church of England and Ireland.

On the first of these subjects, he has, it is true, in his Pastoral Address already referred to, distinctly admitted our Episcopacy. "*They have Bishops,*" says he, speaking of the Irish Established Church; but in a letter to the Archbishop of Dublin, of nearly the same date, under his polemic signature, "J. K. L.," he thus gives vent to his real sentiments, or, rather, to his real wishes:—"As an Archbishop of the Established Church, I would beg leave to ask you, my Lord, who are you, and where did you come from? From what heaven have you fallen? What earth produced you?—Turn over the records of your Church, tell us the names of the Bishops who preceded you; show us how they were connected with the Apostles, or with those who received the faith from them. Produce your claim to that title of 'Apostolic,' which you so ostentatiously put forth, but to which your Grace has as good a claim as to the Dukedom of Leeds."*

I need hardly remind my readers, that, according to the common principles of the Chris-

* Letter of J. K. L. to Archbishop Magee, p. 14.

tian Church, a Bishop, without a just claim to the title of 'Apostolic,' or, in other words, without receiving his Episcopate in uninterrupted succession from the Apostles, is, in truth, no Bishop:—and so Dr. Doyle fully intends to be understood. He has lately expressed himself in terms somewhat different, but of equivalent, and still more insulting, meaning. "Can any person suppose, that I alone, in these countries, do not know, that his Majesty the King can confer titles, or annex them to baronies or offices; and, that in the Greek and Roman States, previous to the coming of Christ, certain persons were called 'Bishops;' that it is, and must be, perfectly within the competency of the Sovereign, in a Christian State, to create offices and officers, and call them 'Bishoprics' and 'Bishops.' I have never refused to acknowledge the right of any Protestant Bishop, or Archbishop, or Primate, within these realms, to the *titles* legally claimed by them, or used by them."*

Here we have a broad avowal of the only sense in which Dr. Doyle admits the Episcopacy of the Established Church. Its Bishops

* J. K. L.'s Letter to the Editor of the Dublin Evening Post, on "Appendix to the Bishop of Ferns' Charge."

are Bishops, merely inasmuch as the King has the power to confer any titles on any of his subjects whomsoever, nay, merely as certain *heathen* officers were called Bishops ! But he is pleased to add, “ I have not even *disputed about the validity of their ordination*, as many have done.”

True ; Dr. Doyle has not *disputed*, but he has *dogmatized* most peremptorily on the subject, as I have already shown from his Letter to Archbishop Magee,—he has also insinuated the same sentiment in terms which no other human being, who calls himself a Christian, would dare to use :—“ I should be tempted to *remove the cross and set up the crescent*,* if I saw the chief

* Reply of J. K. L. to “ The Charge of the Protestant Archbishop of Dublin,” p. 90. “ The Crescent” is, with Dr. Doyle, a favourite type of the Established Church :—“ As to the church itself,” (he is speaking of the Established Church) “ her doctrine, discipline, government, and laws, they are matters about which *no rational Catholic* feels more concern than he does about the state of *Mahometanism* on the Bosphorus.”—He presently afterwards gives us the following statement of his feelings towards our Episcopacy. “ We venerate her hierarchy as the very image of the truth ; for *we Catholics give veneration to images, on account of what they represent.*” Therefore, what a crucifix, a piece of carved or painted wood, is to the real person of the Saviour of the World, *that* the Protestant Episcopacy is to the Roman Catholic ! See “ Vindication,” &c. by J. K. L., p. 29.

“ ministers of my religion derive their commis-
“ sion to preach the word, to administer the sa-
“ craments, to rule the church, from any source
“ that was not pointed out and established by
“ Christ.”

But on Dr. Doyle's forbearance to dispute the validity of our Episcopal ordination, something more remains to be said. I fear, indeed, that I must trespass on the patience of my readers at greater length than I would wish, in doing justice to a matter which will be found of more than common importance.

The hostility of the Irish Roman Catholic hierarchy to the Protestant Established Church, is in no other instance so strongly marked, as in the wish to deny the validity of our ecclesiastical orders. Certainly no point can be more important to their cause. For if English and Irish Protestants have no Pastors, we have no Church; and pastors we certainly have none, unless the authority of our clergy be derived to them by uninterrupted succession from the Apostles of our Lord. Hence it becomes of prime moment to the enemies of our Church to establish this point against us. And it is a matter at once instructive and amusing, to observe the course which the Roman Catholic Prelates have pursued respecting it, on two very

grave occasions, in their evidence before Parliament, and again, more recently, before the Commissioners of Education Inquiry.

To deny our right to the ministerial character, boldly and categorically, would, doubtless, have been the most desirable step ;—but then it would have been somewhat hazardous ; for, as Parliamentary Committees and Royal Commissioners are in the habit of printing the evidence taken before them, the declarations of the Prelates on this, as well as on other particulars, might be subjected to the comments of very troublesome inquirers. The safer way, therefore, appeared to be, to venture no further, than giving very strong intimations of the *doubtfulness* of the validity of Protestant ordination. Dr. Doyle led the way, in his examination before the Committee of the House of Lords (p. 379, 380), and he managed the matter with his usual adroitness.

“ Do the Roman Catholic hierarchy of *Ireland* acknowledge the ordination in the Protestant Establishment to be carried on in an uninterrupted succession, as in the Church of Rome ? ”

This is the question proposed by their Lordships. It is as plain as any that could well be put. The inquiry had all along respected *Ireland*, and it is obviously the purpose of the ex-

aminers to ascertain what the Roman Catholic hierarchy of Ireland thought of the *ordination* in the Protestant Church of *Ireland*. But to this question Dr. Doyle did not find it convenient to give a direct answer. He, therefore, first, contrives to mystify the matter by mixing up with it the distinction between ordination and jurisdiction, and then slides quietly out of Ireland into England.

“The ordination of Bishops is one thing, and their mission, or spiritual jurisdiction, is another thing. We have some doubt with regard to the validity of ordination of *English* Bishops of the Establishment. That doubt *does not arise from the manner of ordination.*”* “But it arises with regard to the valid ordination of one of the Archbishops of Canterbury, I believe Matthew Parker. It is a matter of fact *about which we cannot be well acquainted*, and therefore a doubt remains on our minds. Then, as to the mission, which a Bishop, when validly ordained, has or has not, we do

* Dr. Doyle afterwards, p. 380, says, “The succession of order we would recognize in the Established Church, were it not for this doubt,” (namely, whether the person who undertook to consecrate Dr. Parker really was a Bishop or not). Again, “If a Bishop of the Established Church conformed to our’s, we would think it necessary to confer a consecration upon him under condition, having reference to the matter of fact, and *not the mode of ordination.*” These admissions we shall find very important presently.

think, that no Bishop, outside the pale of the Roman Catholic Church, has this due mission."

Here we have a good long answer, given with much apparent openness and candour, but not a single syllable "germane to the matter," namely, whether the Roman Catholic hierarchy in Ireland, acknowledge the succession from the Apostles in the ordination given in the Established Church of Ireland. Dr. Doyle, hoped, no doubt, that he should thus stave off an inquiry, which he felt to be inconvenient. But their Lordships presently revert to it:—

Q. "The doubt you have stated applies to the Established Church in England; does any such doubt exist respecting the Church of *Ireland*?"

A. "I cannot state, without adverting to the history of that period. *I am not aware whether the succession was kept up in Ireland or not. I believe* all the Bishops, who were in the country in the time of Mary, were deposed, and *Bishops sent from this country to take their Sees.*"

Here then we have Dr. Doyle admitting, that he has not informed himself of a simple historical fact, on which he should consider the validity of the Ordination of the Bishops and Clergy of the Established Church in Ireland to depend. And yet, at that very time, he had boldly ventured, in his letters by J. K. L., to treat the ordination of the Church of Ireland as

so decidedly invalid, that he can speak of the clergy of that Church, as not really clergy—they are “Clergymen *so called* ;”* that in an Address to the Lord Lieutenant, he can speak of our Hierarchy as a mere “*image of the Truth* ;” nay, that he could tell the Archbishop of Dublin he has no better claim to the title of “Apostolic,” that is, *Christian* bishop, than he has to “the dukedom of Leeds !”

Dr. Doyle, I repeat, did not choose to inform himself of the very simple fact, on which, however, he makes the orders of the Church of Ireland altogether to depend. Perhaps he did well to abstain from all inquiry into it ; for the slightest possible inquiry must have satisfied him, that his historic doubt was as wild a dream as ever suggested itself to any unfortunate polemic hard-pressed in defending an untenable position. He would have found, that instead of the Church of Ireland being stripped of all the bishops of Mary’s time, and receiving a supply from England of those who were consecrated by *Parker*, it has been uniformly urged, and *never contradicted*, as an argument against the idle tale of Parker’s irregular consecration, to which Dr. Doyle alludes, but which has long been aban-

* Letter of J. K. L. p. 329.

doned by every decent controversialist,—that there was no necessity for having recourse to any such disgraceful expedient, for there were *many Protestant bishops in Ireland*, who could have had no scruple in consecrating him—nay, one of them, John Bale, Bishop of Ossory, was in the number of the seven bishops to whom Elizabeth's letters-patent for the confirmation and consecration of Parker were directed.*

Such was *Dr. Doyle's* bold, but feeble, attempt to throw doubt on the validity of the ordination of our Irish bishops. Those, who have followed him in this laudable undertaking, are grown a little wiser. They give up the Nag's Head Fable† as too gross a fiction for their purpose; but they have devised a new pretense, for not only denying our claim of Apostolic succession, but also for pronouncing the ordination, in itself, to be absolutely invalid. This, it is true, is in direct contradiction to Dr. Doyle, who, as we have seen above, admits, in strict conformity with the doctrine of his own Church, that there is nothing in the *manner* of ordination with us, on which any doubt of its validity could be founded; nay, he says, “ were it not for the doubt of that

* See Archbp. Bramhall's Works, pp. 438, 450.

† For an account of this matter see App. E.

“fact” (which has been already disposed of)
“we would recognize the succession of order in
“the Established Church.”

“The highly-talented *Dr. Mac Hale*,” Bishop of Maronia “in partibus” and Coadjutor Bishop of Elphin, takes up a very safe position: while he industriously proclaims his doubts of the validity of ordination in the Protestant Church, he avoids all mention of the reason on which he founds those doubts:—

“It is no wonder,” says he, “that I should doubt
“whether they” (the Protestant bishops) “can exercise
“any spiritual authority, since I have doubts about its
“source. *Valid ordination* is the channel through
“which spiritual power is transmitted, and as I enter-
“tain *serious and well-grounded doubts* about the one,
“I entertain similar ones regarding the other.”*

But Dr. Slevin, late Professor in the Irish College at Salamanca, and now “Prefect of
“the Dunboyne Establishment,” Maynooth, in which character he presides over, and directs the studies of the highest order of students,—in short, the greatest theological authority which that college contains,—was examined at much length by the Commissioners of Education Inquiry, respecting the validity of ordination in the Pro-

* Eighth Report of Commissioners of Irish Education Inquiry, p. 307.

testant Church. This part of his examination took its origin in the somewhat startling fact, that the Class-book of Canon Law, used at Maynooth, is dedicated, in the broadest and most unqualified terms, "to the Most Reverend Father "in God Patrick Curtis, ARCHBISHOP OF ARMAGH, AND PRIMATE OF ALL IRELAND." As there is another individual at present possessing that title, the Commissioners naturally testified some curiosity on the occasion; and the Doctor is pleased to inform them that he considers that "both Dr. Curtis, and Lord John Beresford, have *a right to claim that title*, but "in different respects and on different principles; *the one being recognized as such by the Roman Catholic Church and instituted by the Pope*; and the other being received as such "in the Protestant Church, and *constituted by the government of the country.*

"With regard," he adds, "to the nature of the powers of both, of course they are very different; the powers of the Roman Catholic Archbishop are purely spiritual, because he receives none from the State, the source of all temporal authority; *the powers of the other are of a temporal nature*, so far "as the law of the land invests him with them."

Q. "Do you consider that there is *any thing spiritual*, properly speaking, that attaches itself to the

“character of that Primate of all Ireland who is recognized by law?”

A. “To answer the question in a satisfactory manner, I must distinguish two sorts of spiritual power in bishops; the one is called the power of order, the other that of jurisdiction. The former is imparted by consecration, and is never lost or delegated; the latter, &c.” “With regard to the power of order, the Protestant Archbishop of Armagh may possess it; this depends entirely upon the validity of his ordination and consecration, *a point on which I do not presume to decide.*”

Q. “Supposing the ordination or consecration of the Archbishop of Armagh to be good, could he, as a Protestant prelate, confer holy orders?”

A. “In virtue of his ordination he can confer all the sacraments that do not require jurisdiction, among which we reckon that of holy orders.”

Q. “Does your last answer mean to imply, that his ordination was, in your opinion, valid?”

A. “I have mentioned already, that *I do not presume to pronounce on that point.*” “The validity of the Anglican ordination has been always questioned, and is questioned to this day; a great deal has been written on both sides, and the matter still remains doubtful among Catholics.”

Q. “You mean, questioned as a matter of fact?”

A. “Merely as a matter of fact; because for the validity of any sacrament we require that the matter and form, instituted by Christ, should be applied by

“ a proper minister.”—“ Applying this principle to the
 “ *Anglican* ordination, the first question that occurs is,
 “ whether the minister who ordained the first bishops,
 “ was the minister instituted by Christ, that is, whether
 “ he himself was a lawfully ordained bishop? the se-
 “ cond question is, whether the person ordaining em-
 “ ployed the proper *matter and form** in ordination?
 “ Doubts have arisen on these two points, and hence it
 “ is still a question with us, whether the *Anglican* ordi-
 “ nation be valid or not ?”—p. 254.

Now here it is remarkable, as to the first question, that Dr. Slevin will not commit himself so far as to say, that he participates in the doubt founded on the fable of the Nag's Head, even in respect to English ordination, much less in respect to the Irish:—he takes care to use a word, “ *Anglican*,” which may be taken to include the case of Ireland, or not, as shall be most convenient. But as to the second question, that which arises from the *matter and form* (conjoined by Dr. Doyle in the term *manner*), Dr. Slevin has devised a ground of doubt, which Dr. Doyle had expressly disclaimed. And it is upon this new

* Forma Episcopatus oratio est per quam ab Episcopo consecrante, dum ordinando manus imposuit, gratia Sancti Spiritus invocatur.—*Drouin de Re Sac.* t. 7, p. 759.

ground of doubt of his, I undertake to convict him of the grossest disingenuousness : I forbear to use the only word which adequately expresses the disingenuousness of a *sworn* witness.

“ The *matter* of the Sacrament of Orders,” says he, “ according to the doctrine of the Roman Catholic Church, consists in the delivery of the instruments employed in the sacrifice of the Mass, and in the imposition of hands.”—p. 255.

Whether Dr. Slevin himself holds the *matter* of the Sacrament of Orders to be what he has here stated, is of no moment to our inquiry : (I believe him to be too learned a person to entertain any such notion;) but that such is the doctrine of the Roman Catholic Church, I utterly deny, and I defy Dr. Slevin, who has *sworn* that it is so, to bring a single declaration of his Church in proof of his assertion.*

* That which looks most to the purpose, is Eugenius IV.'s instructions to the Armenians in the Council of Florence. Sextum Sacramentum est Ordinis, cujus materia est illud per cujus traditionem confertur Ordo, sicut Presbyteratus traditur per calicis cum vino et patenæ cum pane porrectionem, &c. But besides the answers given in the Maynooth Class-Book, Bailly Theol. Mor. t. 4, p. 42, this would prove too much ; for it would show that the imposition of hands was not necessary, the delivery of the instruments only being mentioned. Besides, the same Council makes the matter of Ordination of Deacons

Imposition of hands alone is held by his Church to be the *matter* of the Sacrament of Order; but imposition of hands, he knows, is used in ordination by the Church of England and Ireland;—the delivery of the instruments is not used by our Church; and therefore it is, that Dr. Slevin, in order to have some decent plea for disputing the validity of our orders, chooses to say, that it is part of the matter of the Sacrament of Orders, and by consequence, essential to valid ordination, according to the doctrine of the Church of Rome.

I will proceed briefly to establish by proof what I have here asserted of the doctrine of that Church, and, I again say, I defy Dr. Slevin to contradict me.

In the first place, the Church of Rome recognizes and admits the orders of the Greek Church, and in the Greek Church, it is perfectly notorious, there is no delivery of the instruments of sacrifice; ergo, the Church of Rome cannot require this particular as essential to valid ordination, or as part of the matter of the Sacrament.

to be the delivery of the Book of the Gospel; it could not therefore have been instituted by Christ, (the first Deacons could not have been so ordained,) for no Gospel was then written.

So powerfully was the force of this argument felt, that, in order to get rid of it, Father Hardouin (the same ingenious Jesuit who undertook to prove, that almost all the writings of classic antiquity were forged by monks of the 13th century) devised the following whimsical solution of the present difficulty:—

“ Christ,” he said, “instituted two forms of ordination,—one, which he gave to St. Peter for the West, the other to St. Paul for the East, and the reason for the simplicity of the latter was the necessary rapidity of St. Paul’s movements, who could not carry the chrism with him, nor find instruments ready made, nor wait for the making of them.” So ludicrous a paradox has, I believe, never hitherto found a supporter, unless Dr. Slevin magnanimously undertakes that office.

Secondly, *the rituals and pontificals of the Church of Rome itself* (as is proved by those of its own members, who are most learned in ecclesiastical antiquities, by Morin, Mabillon, Martenne, and others) *did not include the delivery of the instruments*: of course, therefore, it formed no part of the matter of the Sacrament.

Thirdly, *the Council of Trent* itself, in its

solemn decree* pronouncing orders to be a Sacrament, *says nothing of the instruments*, but refers *solely to imposition of hands*. The same Council, in declaring who are the ministers of the Sacrament of Extreme Unction, says that the elders mentioned by St. James are not the seniors in years, or in rank, but either bishops or priests, rightly ordained by them *by imposition of hands* of the presbytery.†

Drouen, one of the most learned and accurate writers “*De Re Sacramentariâ*,” one in Dr. Slevin’s list of “Books recommended or referred to by him in his lectures,” (p. 451) treats the point as not admitting of question, “*Sacra Ordinatio*” (says he, *De Sac. Ord.*, t. vii. p. 10,) “*in impositione manuum et oratione consistit.*” Again, “*Materia Episcopatus in sola manuum impositione consistit.*” p. 755.

But it is unnecessary to seek for proof be-

* Cùm Scripturæ testimonio, Apostolicâ traditione, et patrum unanimi consensu perspicuum sit, per sacram Ordinationem, quæ verbis et signis exterioribus perficitur gratiam conferri, dubitare nemo debet, ordinem esse verè et propriè unum ex septem Sanctæ Ecclesiæ sacramentis : inquit enim Apostolus “Admoneo te, ut resuscites, gratiam Dei, quæ est in te *per impositionem manuum mearum.*”—Sess. xxiii. c. 3.

† Sess. xvi. c. 3.

yond the books which Dr. Slevin professes to make the *foundation and text* of his own instructions at Maynooth. These very books expressly and peremptorily contradict him.

Cabassutius (Jur. Can. Th. et Pr., t. i. p. 361, a work which Dr. Slevin, in his Evidence, p. 185, names as one of the Class-Books,) proves that the order of deacon is a sacrament, because it is conferred by imposition of the bishop's hands;—"but," says he, "that such impositions of hands in ordination, particularly if they be accompanied" (as they are in our ordinal) "with the express collation of the Holy Ghost, do confer grace beyond all doubt, is proved by various passages in Scripture."

The point is still more plainly and expressly established by another of the Class-Books, the "*Theologia Moralis of Bailly*, Tract. de Ordine." For, first, the proof of order being a sacrament is made to rest entirely on the imposition of hands being the outward sensible rite, conferring grace, instituted by Christ himself, and constantly and uniformly used in the church in the ordination of bishops, priests, and deacons. Secondly, in the chapter, "De materia et forma Sacramenti Ordinis," pars. i. c. i. p. 5, the third proposition is as follows:—"Neither the delivery of instruments, nor the anointing

“ of the head or hands, ought to be considered as the essential matter of ordination.” This is proved from the utter silence of Scripture and ancient tradition respecting them, by the fact that they are not used at this day by the Greek Church, and by there being no traces of their use in the Latin Church during the first ten centuries. If, then, they were essential to valid ordination, no orders were valid during that period,—a result which no Catholic, either of the Church of Rome, or of our own Church, can contemplate with composure; for, in that case, it is obvious that the claim to Apostolic succession is at an end with all of us.

The fourth proposition of the same chapter is yet more decisive,—“ *Imposition of hands*, and “ *that only*, is the essential matter of the sacrament of orders.” This is proved by nearly the same arguments as the preceding.

Of *the form*, that is, the words accompanying the imposition of hands, there is no question moved.

Having thus examined the subject on the principles of the Church of Rome itself, and under the guidance of the very authorities which Dr. Slevin professes to follow in his own lectures at Maynooth, we have found that there not only is

no foundation for his assertion, but there is the most peremptory and decisive contradiction to it. What, then, must every honest man think, of a *sworn* witness, of the profession and station of Dr. Slevin,* who dares thus to trifle with the solemnity of an oath, and to favour his false and injurious allegations respecting the ministry of another Church by a fraudulent exposition of the doctrine of his own? Let him not have recourse to the miserable subterfuge, that the delivery of the instruments is sometimes spoken of as the *accidental, accessory, or integrant, matter* of order: for, be it remembered, that the only question before the Commissioners was of the *essential matter*, that of which Dr. Slevin himself says, “that any substantial alteration in it “would render the sacrament† void.” If he will avail himself of such a quibble, it will, in fact, only prove more strongly the full delibera-

* Of Dr. Slevin, Mr. O'Connell, in a recent speech at a meeting of the Association, said as follows:—“In the Report “of the Education Committee, Dr. Slevin afforded a fine “sample of the second order of our clergy,—of those men from “amongst whom our bishops ought to be taken.”

† It is hardly necessary to remark, even to my lay readers, that I here use Dr. Slevin's own words, of course without assenting to the notion, that Order is a sacrament in the same strict sense, as we, of the Church of England, hold Baptism and the Lord's Supper to be.

tion with which he spoke; though, in truth, the notice,* with which the Commissioners have introduced his evidence, has deprived him of all right to shelter dishonesty under the plea of haste and inadvertence.

It yet remains for me to state, that the invalidity of the Episcopal Order of the Protestant Church, the denial, therefore, of its existence as a Christian Church, *is treated as a matter perfectly settled, in the Class-Books at Maynooth.* It is true, that the principles, there maintained, would fully establish the right of our Bishops to the power of *Order*, (whatever might become of their claim of jurisdiction,) but even this is denied to them; it is denied, in the mode, which of all others proves most strongly the inveterate hostility of those who deny it, namely, on occasions, where no question concerning Episcopacy is raised, or can be connected with the matter in hand. In the Class-Book on "Logic," by Dr. Francis Anglade, Professor of Moral Philosophy at Maynooth, the name of the illustrious Bishop Berkeley happening to be mentioned, it is accompanied with the insolent and false addition,

* "It is necessary to observe, that the corrections and additions proposed by Dr. Slevin for insertion in his Evidence, were more than usually numerous. The Commissioners have admitted the corrections as extensively as possible into the text." p. 183.

“in Hiberniâ *Pseudo-Episcopus* :” *—False, I repeat, because, on the principles of the Roman Catholic Church itself, his Episcopate was valid, whether his jurisdiction, or mission, were regular or not.

And now, on quitting this part of my subject, I must call the attention of my readers (and most especially of those friends of the Roman Catholic cause, who profess themselves sincere Protestants) to two very important facts ; first, That the Petition of the Irish Roman Catholics in 1792 (on faith in the averments of which the act of Relief was passed in the next year,) contains, among much other instructive matter, the following passage :—

“*We solemnly and conscientiously declare,*
 “that we are satisfied with the present condi-
 “tion of our ecclesiastical policy. With satis-
 “faction we acquiesce in the establishment of the
 “national Church ; we neither repine at its
 “possessions, nor envy its dignities ; we are
 “ready, upon this point, to give every assurance
 “that is binding upon man.” †

* Inst. Phil. Logica, Pars Prima, p. 82.

† See the Petition in Sir H. Parnell's “History of the Penal Laws,” p. 90, 91.

But this declaration, it may be alleged, was binding only on those who made it; and most of them have long since gone to their graves. Be it so;—what shall be said of the second fact, which remains to be stated?

*An Oath was framed in conformity with that declaration; that Oath has been taken by All those persons who have heaped such coarse and virulent invectives upon the Established Church, who have proclaimed their deadliest and most unrelenting hostility towards it, who have invited, stimulated, applauded, that hostility in others—all these, be they lay or clerical, lawyers or bishops, all have “solemnly sworn,” as the very condition on which they hold any rights whatever in this Protestant Realm—not only “that they have no intention to subvert the “present Church Establishment, for the purpose of substituting a Catholic Establishment “in its stead,”—but “that they will not exercise “any privilege to which they are or may become “entitled, to disturb and weaken the Protestant “religion, and Protestant Government in this “Kingdom.”**

What may be the effect of this one fact on

* See Irish Statute of 33 Geo. III. entitled “Act for affording relief to His Majesty’s Popish or Roman Catholic Subjects in Ireland,” s. 7.

others, I pretend not to conjecture. For myself, I frankly avow, that it takes from me, in matters wherein the interests of the Roman Catholic Church are involved, all confidence whatever in the Oath of every man among them, who has thus polluted his soul, and stained it with the deadly dye of perjury. The contemptible subterfuge, that the Oath is not violated unless *both* the Protestant *Religion* and Protestant *Government* are disturbed—and both “weakened by *disturbance*,”*—must, in the estimation of every honest man, serve only to aggravate their guilt, and prove more strongly the deliberate and deep malignity of the whole proceeding. But what a state of mental darkness, of spiritual bondage, is this, in which seven millions of our fellow-subjects in Ireland are still fatally enthralled! How hideous the corruption it engenders, when men of the most sacred function can thus blind their understanding, and harden their hearts, against the first and plainest dictates, I will not say of true religion, but of natural reason! What must be the misery, what the conflict of better feelings, in

* See Note to Sir J. C. Hippenley's Speech, Cobbett's Debates, May 11, 1813. See also “Letter to Mr. Canning on “the Bill of 1825,” p. 45.

the unseared, unhackneyed, conscience of the young and the ingenuous,—of all, whose minds are not yet completely bowed and broken to the yoke !

Claims of Roman Catholic Bishops in Ireland.

But the spirit of the Roman Catholic Clergy in Ireland cannot be duly estimated by their language and doctrine respecting the Established Church. They have pretensions, on their own part, which, we may be quite sure, they will not fail in due time to announce, and to enforce; for these pretensions follow most undeniably from the principles already avowed by them.

We are told by one of the most distinguished Roman Catholic Divines in Ireland, the late Vice-President of the College at Maynooth, and now the Head of the Jesuit Establishment for Education at Clongowes, the Reverend Peter Kenney—that the Roman Catholic Church in Ireland “is, in the eye of the See of Rome, to
“all intents and purposes, as much as in any
“country in the world, a Church having *all the*
“*settled rights* of a Church, with a Hierarchy,
“the Bishops of which are *Bishops in ordi-*
“*nary.*” * Of the Bishops of the Established

* Eighth Report of the Committee of Irish Education, p. 392-3.

Church, they say that *they are not Bishops*, in any other than a civil and political sense,—as certain Heathen officers were styled Bishops;* and the result is, that they themselves, the Bishops who derive jurisdiction from Rome, are the only Bishops, properly so called, in Ireland. But be it remembered, that the real and proper Bishops, be they who they may, are they, who by the *Common Law* of the land are entitled to a place in Parliament.

All the *Statutes*, therefore, which have interfered with this Common Law Right, are part of the Penal Code, and, as such, ought to be repealed—they are incompatible with that “total, unqualified, unconditional, Emancipation,” which alone will satisfy the just claims of “Catholic Ireland.”

That this conclusion was fully deduced, and plainly stated, a very few years ago, at Rome, I need hardly remind my readers. It is extant in that important document, the letter† of Pius VII. to “the Archbishops and Bishops of Ireland,” (Feb. 1, 1816,) recommending them to accede to a modified Veto; in which are these words :

* See above, p. 235.

† Butler's Mem. of English Cath. vol. 2. App. p. 426.

“An additional motive of jealousy must arise in the mind of Government towards us, and the Catholic Cause, that the Bishops, subject to its dominion, being rendered by the Emancipation (supposing it granted) *qualified to sit in Parliament*, new precautions might appear necessary to remove all possibility of doubt concerning their loyalty.”

How His Holiness acquired this notion, whether by his own lights, or by intimations from Ireland of the hopes there entertained, will hardly admit a doubt.

Now, whatever may be thought, or affected to be thought, of the wildness of this pretension—whatever may be said of the absurdity of even imagining the possible introduction of Roman Catholic Bishops into the British Parliament—I undertake to show a pretension, as wild, actually brought forwards by Dr. Doyle, and a claim founded upon it, which would make the demand of a place in Parliament to be little more than a necessary consequence of admitting their character of Bishops.

In his “Vindication of the Religious and Civil Principles of the Irish Catholics,” addressed to the Lord Lieutenant, the Marquis Wellesley, he thus describes a grievance which he apparently does not think it possible any liberal man can justify, much less wish to perpetuate:

“Some of our Clergy are judges in ecclesiastical matters in virtue of their office, and must decide on the validity of marriages, and on various other matters, on which the peace and happiness of individuals depend through life, and yet they cannot administer an Oath, nor examine witnesses JURIDICALLY, without being exposed to the penalties of a prosecution.”*

This, it will be immediately seen, is a demand of a very extensive nature; but the magnitude of the claim is not half so important, or so instructive, as the tone in which it is set forth. Dr. Doyle adduces it, *expressly*, as a specimen of the *moderation* of himself and his brethren. He has just before disclaimed, on his own and their behalf, all “desire of the possessions of the Establishment.” “*Our pretensions*, my Lord,” says he, “are much more *becoming our depressed condition*.” And it is in the enumeration of these “pretensions,” that what I have cited finds a place. But, if in their “depressed condition” they venture to put forwards, as a moderate and humble “pretension,” a claim which the laws of their country, even *before the Reformation*, did not think it safe, or tolerable, to grant, what may not be expected from them, when their “condition” shall be no longer “depressed,”—when their horizon shall extend

* Vindication, &c. p. 41.

itself with the elevation to which they already look forwards as their right? I say, that even *before the Reformation*, the laws of the Realm would not have sanctioned this impudent demand: for then, as now, the power of determining Causes of marriage, and other questions of "the laws spiritual," was committed to the Bishops, and others of the Clergy, as *the King's Judges* in such causes; they were to decide them according to the *King's Ecclesiastical Laws*; and the very claim of independent external jurisdiction would have rendered those, who made it, liable to the penalties of little less than treason.

While the Bishops have been thus active, the Lay Champions of "Emancipation" have not been unmindful of their duty to the Church. With a more decent dissimulation, indeed, of their real object, than they have of late usually thought it necessary to observe, they have instructed a Committee "to prepare a draft of a "Petition in favour of Catholic Charities, to "*recognize in Courts of Law and Equity the "successors of Catholic Prelates* as Trustees for "charitable purposes."*

* See Resolutions of the Roman Catholic Association, January 8th, 1828.

This is really a very pretty and promising expedient. It bears on the face of it the protection of "Catholic Charities," and who can be so illiberal—perhaps it will be even said, so unchristian—as to oppose so laudable an object? But, if once "the succession of Catholic Prelates be recognized by law," what may not be hoped as a consequence of the recognition? I repeat, therefore, that the expedient is very promising; and I am quite ready to admit, that much has been done by one House of Parliament to justify the most sanguine hopes of the Association in adopting it. For the Committee of the House of Commons, in 1825, not only permitted Drs. Curtis, Murray, Doyle, &c. to call themselves by the Titles which they claim, but even recognized the justice of the claim, by giving them the same Titles in the "Minutes of Evidence," printed with the Report.

Happily, the Lords are not quite so liberal—for though a very well-imagined attempt was made, last year, to obtain a similar, though slighter, recognition from the Upper House, by sliding in a Petition from a "Roman Catholic Bishop of the Diocese of Waterford," their Lordships were not to be so caught; the sentinel was at his post; the veteran Earl of Eldon warned the House that the Constitution of this

realm forbade them to acknowledge the existence of any such Bishop ;—and the Petition was rejected accordingly.

We may, therefore, venture to predict the failure, for the present, even of this charitable plan of Mr. O'Connell ; and these Irish Prelates must be content to wait some time longer, before the first and dearest object of their wishes can be obtained.

Meanwhile, it is but justice to them, and to their friends, to say, that they have not been wanting to their own cause. Whenever it can be prudently done, the full title is now given and taken, without any qualification or reserve. We have seen the formal dedication of a Class-Book at Maynooth to “The Most Rev. Father “in God, Patrick Curtis, Archbishop of Armagh, “and Primate of all Ireland.” Some of the Prelates themselves, Bishops of the Province of Connaught, thus subscribed an appeal to the Pope, November 29, 1809* :—

“DOMINICUS, ALADENSIS.

THOMAS, CLONFORTENSIS.

EDMUNDUS, ELPHINENUS.

NICOLAUS, DUACENSIS.

JOANNES, ACCADENSIS.”

* See Columbanus, No. 6, p. 208.

In November, 1825, at the “Dedication of “the Roman Catholic Metropolitan *Church*,” (so it was designated by the Association Journal) the following printed billet was distributed:—

“*The most Reverend Father in God, Daniel Murray, by the Grace of God, and the Apostolic See, Archbishop of Dublin, grants to all persons here present, forty days true indulgence, according to the usual forms of the Church. You will pray for the happy state of his Holiness Pope Leo the Twelfth, of his Grace the Archbishop, and of the Holy Catholic Church.*”

In June of last year, the following article appeared in “the Weekly Register,” the Journal of the Association:—

“CONSECRATION OF THE RIGHT REV. DR. BROWNE.

“This solemn and impressive ceremony was performed on Sunday, the 10th instant, in the Chapel of the Royal College, Maynooth, by his Grace the Venerable and Most Rev. Dr. Curtis, assisted by the Right Rev. Dr. Crolly and the Right Rev. Dr. Keating. There were present besides, *his Grace*, the Most Rev. Dr. Murray, and *the Bishops of Raphoe, Dro-more, and Maronia.*”*

* The following part of the same article is, on other accounts, too interesting to be withholden. “The Archbishop asked “whether the necessary Apostolic mandate had been received, “and being answered in the affirmative, called for the important “document, and carefully inspected it. His Grace then *kissed*

In the Morning Register of 27th Dec. 1827, is an account of the death of the late Right Rev. Dr. Marum, who is called without qualification "*Bishop of Ossory*;" and we are told, in conclusion, that "Dr. Doyle, *Bishop of Leighlin and Kildare*, and Dr. Kelly, *Bishop of Waterford and Lismore*, presided at the performance of the solemn services of the funeral: "Dr. Murray, *Archbishop of Dublin*, was expected, but was prevented from attending by "indisposition."

In another number of the same newspaper is an article, headed "*The Church*," giving an account of "*the Archbishop of Dublin's*" intended visitations through his archdiocese.

Now, in order to feel the full importance of these recent assumptions, it is proper to bear in mind, that in a debate on the Petition of the Roman Catholics, in May, 1805, Lord Redesdale having stated that "the Catholic Clergy considered the Protestant Clergy as usurpers; "that they denominated themselves the regu-

"*it respectfully*, and handed it to his notary, who received it on "*his knees*, and read it aloud from beginning to end, from the "platform of the altar. The *will of the Supreme Pontiff* being "thus proclaimed, and the elect having taken the usual *v oath of* "*fidelity* to the Catholic Church, and to *the successor of St.* "*Peter*, the consecrating Bishop proceeded."

“ lar successors of the ancient Bishops of the
 “ country, and took their titles, used their
 “ insignia, and assumed every thing appertain-
 “ ing to the Prelacy, which was not prohibited
 “ by law ;” * and the then Bishop of St. Asaph,
 Dr. Horsley, having grounded his refusal to vote
 for the Committee, mainly on this point ; † Dr.
 Troy, the R. C. Archbishop of Dublin, addressed
 a letter to Sir J. C. Hippsley, in which he says,
 “ The actual state of the Catholic hierarchy in
 “ Ireland bears very little resemblance to the
 “ description of it given by the learned lord.
 “ We do *not* claim an exterior jurisdiction, in
 “ exclusion of the legal claims of the esta-
 “ blished prelacy and priesthood. We do *not*
 “ treat the prelates or priests of the Established
 “ Church as usurpers or intruders, under this
 “ establishment. No Catholic Archbishop pub-
 “ licly takes to himself such a title as *Arma-*
 “ *chens.*” In fine, he “ *repels, by a total and*
 “ *emphatical denial, these novel imputations of*
 “ *assumed rank.*” ‡

Let the tone of this guarded disclaimer be
 compared with the language at present held by

* Parl. Deb. vol. iv. p. 713.

† Ib. p. 729.

‡ See Speech by Sir J. C. Hippsley, 1810. Supp. App.
 pp. 2, 3.

the R. C. hierarchy, and their people, and it will be seen, how great an advance has been made by them in the course of the last twenty years: it will also be seen by every man among us, who is not wilfully blind to the danger, how imperative is the duty of preventing, by the most effectual restraints, this same encroaching spirit from still further extending itself; above all, from having the means of realizing those projects of ambition, of the existence of which it would be weakness any longer to doubt.

*Power of the Roman Catholic Bishops and Clergy
over the Representation of Ireland.*

Unhappily, in the present state of the Elective Franchise, they have an engine of power and influence, which, a very short time ago, it would have been deemed the wildest dream of bigoted folly to affect to apprehend. The advocates for the expediency of admitting Roman Catholics into Parliament were once accustomed to found their best argument on the improbability of many seats being affected by the measure. Mr. Burke, as we have seen above,* believed it impossible, that more than

* See above, p. 165.

three, or at the most *four*, Roman Catholics could be elected. But, in the present day, the prospect is completely changed. There is no longer a County, a Town, a Parish, in Ireland, in which the political influence of the Priesthood is not strongly felt. Nor is it the least striking, nor the least instructive, particular in the case, that they do not, as formerly, attempt to conceal their power, but, on the contrary, are eager, on every occasion, to obtrude the most public and ostentatious avowal of it. The Priests themselves openly boast of having “induced the 40s. Freeholders at the last elections to vote against their Landlords;” they claim from the Association money advanced to these Freeholders to save them from ejections;* and their Lay followers are not slow to acknowledge the value of their services.

“The Clergy,” says Mr. O’Connell, “from the most venerable and reverend prelates in the land, to the youngest curate of the most remote parish, make common cause with the people.”†

“*The aid of the Catholic Priesthood,*” says

* See Letter from Rev. P. Byrne of Castletown, July 26, 1827, read in the Association.

† Fourteen Days Meeting, 1st Day, January, 1828.

Mr. Lawless, "and their intelligent and zealous co-operation, *will ever be necessary to the foundation of the national cause:—that aid we enjoy in an unlimited degree.*"* The same gentleman on a very recent occasion—giving notice of a motion in the Association, "that they would consider any member of Parliament, who supported the present Administration, at the head of which was the Duke of Wellington, as an enemy to Ireland;" and further saying, that he would recommend the calling on all the parishes to meet and adopt a similar resolution—proceeded as follows :

"They all knew, that the 40s. Freeholders and the *Roman Catholic Clergy could dispose of the representation of this country as they liked.* They were all perfectly aware, that the 40s. Freeholders could, in fact, command the return of the members; and if the Clergy supported them, he would be a bold man indeed that would support the Wellington Administration."†

Mr. O'Connell, as I have already said,‡ bears similar testimony. "In Cavan," (a county, in which, at the last general election, *the Romanists property in fee did not exceed 3000 acres*—I

* Answer to Address from the Inhabitants of Longford, December 9, 1827.

† Fourteen Days Meeting, 3d Day. See "Times of 25th of January, 1828."

‡ See above, p. 166.

— speak on the authority of a gentleman most intimately acquainted with the state of property there;)

“ In Cavan,” said Mr. O’Connell,* “ Young Maxwell and Saunders would have been ousted, *if the Catholic Clergy had been well urged on, and had exerted themselves*. In three baronies, where the people were roused to a sense of duty, the liberal candidate had a complete majority.” “ *If the Catholic Claims were conceded*, he would not feel the smallest reluctance in going down to Cavan *himself*,† and opposing the illiberals.”

Mr. Shiel speaks still more plainly :

“ To the Protestants of Ireland I do not look for emancipation. It does not depend on them. *We are, to a great extent, masters of the representation of Ireland*; and I trust that, *before long, every county member shall obey our bidding*; therefore I scarce care one jot, whether the Irish Protestants are favourable to us or not. But on the English Protestants I do depend, and for their conviction I rely, not on the justice of our claims,” &c.

One further intimation he gives, which is too important to be withholden.

“ I rejoice to be able to add, that *the present condition of the Catholics*, when all of us, from the highest to the

* Catholic Meeting, November 5, 1827.

† Mr. O’Connell, I am informed, has no property whatever in that county.

lowest, are bound together, *portends to the bad monopoly, which is misnamed the Constitution, no ordinary peril.*"*

Looking, then, to this unhappy state of things, to the unconstitutional power over the great majority of Irish Representatives, possessed by the Roman Catholic Prelates and Priesthood—and looking, too, to the known and avowed hostility of themselves, and of all the most prominent of their Lay adherents, to the Established Church, both in England and in Ireland, can it

* Speech at New Ross, 23d of October, 1827. That the assertion of the power of the Priesthood over the representation of Ireland, is not an idle boast, the experience of the late elections manifested in the face of the world. But this influence is not limited to the instances in which it was thus notorious. Of the members, who sit in Parliament for Irish counties, there are, it is to be feared, not a few, who know that they hold their seats at the will of the Roman Catholic Priesthood. One of these, who always votes for their claims, has himself told me, that if he did not so vote, he should be driven from his seat; "that," said he, "I should not mind; but I should be driven from my house, and compelled to quit the place of my fathers." That this is not a solitary instance, I know from authority which the delicacy of the case forbids me to name. I might even appeal to the internal conviction of more than one county member returned to the present Parliament, who have always supported the cause of the Roman Catholics, whether they would have had a chance of success, if Roman Catholic candidates could have been opposed to them.

be safe to give them the great additional power of choosing *from those very adherents* a large and important part of the British Parliament? Can any friend of the Church wish to see its interests exposed to the machinations of such men? Can any friend of the Constitution wish to see the writ of summons to Parliament “for some great weighty affairs concerning Us, the state and defense of our kingdom, and of our *Church of England and Ireland*,” directed to those whose language and intentions towards that Church we have just read? - Above all, can a Prince, who has sworn to “maintain, to the utmost of his power, the laws of God, the true profession of the Gospel, and the Protestant Reformed Religion, established by law”—can he, without violating that Oath, give his Royal Assent to a Bill, which would confer on eighty, perhaps a hundred, of the bitterest enemies of the Protestant Church, power to interfere in all its concerns, to legislate for all its interests, to dispose of all its endowments, to defeat and annihilate all its laws? Thank God! our King himself feels that he cannot; and has proclaimed on his Royal Word, that he will not. And every loyal subject, be his own opinion on the great question itself what it may, will exult in the conscientious decision of the Sovereign,

and will gratefully acknowledge in it a new and powerful claim on the attachment of his people.

Case of the 40s. Freeholders in Ireland.

And here I should conclude, were there not one matter remaining, closely connected with the last particular we have been considering, and too important to be omitted, I mean the case of the 40s. Freeholders in Ireland. We have seen how powerful an engine of mischief they are made in the hands of our bitterest enemies. But this is not the consideration, on which I am now about to dwell. It is to the hideous, the unexampled, extent of perjury, of which their suffrage is the cause, and in which it is difficult to acquit the British Legislature of being the accomplices, that I now presume to invite attention.

I say, that it is difficult to acquit the British Legislature of being accomplices in this perjury; and, whatever may be the animadversion to which the assertion is exposed, whatever the offense given by it, and in whatever quarter, I persist in making it, and in offering testimony and argument of its truth.

In the Evidence taken before the Committees

in 1825, much was said on this point, the substance of which I will endeavour to reduce to three heads—first, the way in which the alleged Freeholds are created ;—secondly, the falsehood and perjury committed in swearing to them ;—thirdly, the manner in which the Freeholders are treated.

Mr. A. R. Blake, a Roman Catholic gentleman, who needs not my testimony to his distinguished respectability, Remembrancer of the Court of Exchequer in Ireland, and one of the Commissioners of Education Inquiry, in his Examination before the Committee of the House of Commons, thus states the common mode of creating 40s. freeholds. “The tenants” (holding leases for life) “*in general* pay what is originally “*a rack-rent* for the land ; they then build mud-huts upon it, and if they make out of the land “*a profit* of 40s. a-year, a profit produced *by the sweat of their brow*,” this is considered by them as “an interest in the land to the extent of “40s. a-year, whereas the gain is produced *not through an interest in the land, but through their labour*.”*

These huts, it appears, are sometimes erected

* Committee of the House of Commons, 1825, p. 43.

for 20s. each; and Mr. Blackburne, (King's Counsel, appointed to administer the Insurrection Act in the County of Limerick,) informs the Committee of 1824,* that the article of the most value in them is the roof, which is commonly constructed for 40s. They have no floor.

Mr. Dominick Browne (Member for the County of Mayo) gives to the Lords' Committee† the following account of the manufacture of freeholds. "Supposing a farm of 100 acres is to be let, that land would probably be sub-divided into from 20 to 25 holdings: the landlord would let it to those people *at a greater rent than the grazier could afford to pay him*, in consequence of their security being inferior; those persons would, immediately on taking out their leases, commence inclosing their garden, or building a house, or rather a hut, and would perhaps *within the same week*, or frequently *before the ink was dry of the signature of their leases*, register a 40s. Freehold out of the land, for which they paid a rack-rent."

Such is the mode of creating these 40s. Freeholds. The extent of the perjury committed

* Committee of the House of Commons, 1824, p. 10.

† p. 957.

will be manifest from the state of the law. For, to make these freeholds available, they must be registered; this registering must be repeated within eight years, and, as a preliminary to the registry, every person registering must swear to a freehold of 40s. per annum!

Now the number of the persons so swearing is most enormous. In every county of Ireland, the great majority of voters consists of them; of men perjured, and known to be perjured.* Some proprietors are said to reckon their freeholders by thousands—in other words, *to suborn, or suffer agents to suborn, thousands of their tenantry to perjure themselves* for the pur-

* By a Return, made to an Order of the House of Commons, dated 19th May, 1824, of the numbers of each Class of Freeholders, (viz. 40s. 20l. and 50l. Freeholders and Rent Chargers,) registered from 1st January, 1795, to 31st Dec. 1823, it appears that the following is, in round numbers, the amount—in the following instances. The Freeholders of a higher order are included among those of 50l. per annum.

County.	Forty Shilling Freeholders.	Other Classes.	County.	Forty Shilling Freeholders.	Other Classes.
Antrim -	30,000	850	Londonderry -	24,289	1,057
Armagh -	23,500	830	Longford -	8,300	630
Carlow -	11,000	1,500	Mayo -	43,000	630
Cavan -	18,000	954	Monaghan -	18,000	310
Clare -	24,000	1,800	Queen's -	16,500	2,500
Cork -	22,000	5,350	Roscommon -	16,090	1,023
Down -	49,000	1,300	Sligo -	9,250	925
Dublin -	5,100	1,800	Tyrone -	12,827	378
Fermanagh -	25,450	1,200	Waterford -	7,880	1,375
Kerry -	14,842	2,074	Westmeath -	7,450	1,150
Kilkenny -	4,150	1,060	Wexford -	22,700	2,250
King's County -	6,792	1,406	Wicklow -	8,000	800
Limerick -	23,000	3,450			

poses of their ambition.* Meanwhile, smaller persons emulate their superiors in the guilty traffic; attorneys and others buy small pieces of land, for the mere purpose of manufacturing freeholders, and selling the influence thus obtained.

But I proceed to the evidence.—*Mr. Blackburne*,† making strong representations of the dreadful and horrible disregard of oaths, which he had witnessed in the discharge of his official duties, ascribes it, in a main degree, to this practice of *swearing to fictitious freeholds*.

Mr. Barrington, Crown Solicitor for the Munster Circuit, states the lamentable indifference to the obligation of an Oath, which prevails in Ireland, and specifies as a principal cause, *the Freeholder's Oath*. He says, that “almost all the persons taking it consider it as more a matter of form than any thing else.”‡

Mr. Blake says, in reference to the accounts laid before him officially, as Remembrancer, that

* It is an act of justice to one nobleman, possessed of some of the largest estates in Ireland, to mention his name as proved to be pure from this crime, the Duke of Devonshire. See Ev. before Com. p. 307. Let us in charity hope, that his Grace is not a solitary instance.

† Evidence before Commons, 1824, p. 43.

‡ Commons, 1825, p. 577.

a great mass of tenants, who were *in arrear*, *in consequence of holding at exorbitant rents*, had sworn to forty-shilling freeholds.

Mr. O'Connell, as I have already had occasion to remark, states, that the system of regulations respecting forty-shilling freeholders, “ produces “ great perjury.”*

Dr. Magaurin, (R. C. Bishop of Ardfert,) says, “ Perjury is committed to a very great “ extent in consequence of the forty-shilling “ freeholders’† system.”

Dr. Kelly (R. C. Archbishop of Tuam) gives the following statement of conversations held by him with these unfortunate persons:—

“ They have often called upon me to represent their condition, and stated that the quantity of land they held was very small; that they were very apprehensive about taking the oath, that they were forty-shilling freeholders, and they requested me to advise them what to do upon the occasion. My advice uniformly was, for no person to register, as a freeholder, unless he could do it with safety to his own conscience. I have met them afterwards, and they acknowledged to me, that although they did not feel their consciences quite at ease, they were obliged to register those freeholds; that *they had been threatened to be expelled from their holdings, and to be deprived of their land, unless they registered those freeholds.*”—“ The system

* Commons, 1825, p. 131.

† *Ib.* p. 292.

is replete with much mischief; it is highly injurious to the morals of the people; it is a source of perjury in many instances.”——“ I have not the least doubt of the effect it must have generally on the population of the country, the being either induced or menaced by their landlords, who are their *magistracy*, and who ought to be their protectors, and *instigated to the commission of perjury* for the sake of advancing the political influence of the person under whom they derive.”*

Mr. W. Grant, one of the Commissioners of Education Inquiry, says, “ that he found the “ condition of forty-shilling freeholders universally mentioned as a subject to be lamented on “ all sides, as being *a great source of perjury*.”†

The Hon. R. Day, (for twenty-one years one of the Judges of the Court of King’s Bench,) after stating that “ a man creates a herd of “ those nominal freeholders, and disposes of them

* Commons, p. 252.—In citing the evidence of the Roman Catholic Prelates, I must remark, that neither they, nor the Priesthood, appear to have had any scruples in availing themselves, to the utmost, of the perjury of these Voters at the last General Election, or to have taken any pains to rouse them to a sense of their wickedness.—On the contrary, they seem to have universally encouraged and applauded them. Can there be a more instructive instance of the tendency of their religion to sacrifice every object to the aggrandisement of the Church? Or, can we need a more powerful warning of the danger of “ full, unqualified, unconditional, Emancipation?”

† Lords, p. 126.

“ for his own benefit, for the purpose of obtaining a place, or for sale,” adds, “ I think even the evil of universal suffrage would be a great improvement upon the present system, for that would be free from perjury.”*

I will not multiply testimonies to the same effect; but, in order to complete our view of the case of these miserable men, I will adduce a few proofs, in the third place, of the manner in which the forty-shilling freeholders are treated.

Mr. O'Connell tells the Committee of Commons, that “ he has often heard the phrase, “ *drive them in to vote;*’ and has *seen it done:*” that “ the ‘ freeholders’ are considered, in many instances, as part of the live-stock of the estate.” That “ the system of ordering electors into the hustings is by a note from the bailiff, as he is called in the north, or the *driver* in the south.”†

Mr. O'Connor says, that “ they are driven up like sheep to vote.”‡

Mr. Shiel, that “ the peasantry are driven in droves of freeholders to the hustings.” §

The Hon. Archdeacon Trench says, in his

* Lords, p. 871.

† Ib. p. 131.

‡ Ib. 142.

§ Ib. p. 105.

sworn evidence before the Lords,* “ I have seen
 “ such freeholders in troops going into the
 “ county town at the time of the election, with
 “ a little man mounted on a wretched mule, and
 “ *with a thonged whip as if in the act of driving*
 “ *them* : I do not say that I saw the man strike
 “ the poor people.—I was travelling at the
 “ time, and just asked, ‘ Who are these men ?’
 “ and was answered that ‘ they were such a
 “ gentleman’s freeholders.’ ”——Q. “ You con-
 “ ceived *the thonged whip was intended for the*
 “ *freeholders as well as the mule ?* ”——A. “ *It*
 “ *could be for no other purpose ; it was too long*
 “ *for the mule.* ”†

Here I stop ; and I will now venture to appeal to the generosity of Englishmen, whether such a system of unfeeling brutality ought to be tolerated for a single day—I appeal to their honest pride to say, whether they will quietly endure, that the nominees of persons such as these, be they under the influence of priests or peers, shall sit in Parliament with the representatives of freemen ;—above all, I appeal to their sense

* Lords, p. 731.

† It is but fair to say, that the *driver* does not take his name from driving these men, but from driving cattle, when distrained for rent.

of morality, to their principles of religion, whether they will silently stand by, while the legislature permits these facts to be detailed to them by a cloud of witnesses of veracity the most indisputable, and yet takes no step to put an end to such enormities.

In the House of Commons, nearly three years ago, a Bill had almost passed to stay this moral pestilence; but though, to the honour of its author,* it was recommended by him warmly on the grounds of morality and religion, it was treated by the House at large merely as appendant on a great political measure. Nay, a clause was introduced, expressly *empowering those who had already perjured themselves, to repeat their perjury*, as often as it could be made available. But this was not all. History will record, that a learned and very eloquent Member was received with “Cheers and Laughter,” while he exhausted all his powers in ridiculing the plea of morality, and in pretending† to find a justifi-

* Mr. Littleton, M. P. for the County of Stafford.

† I use this word advisedly. That there are any Members of the House of Commons, so lost to all sense of religion, as to swear that they are possessed of qualifications to which, at the time of swearing, they have not a legal title, I cannot believe. If there be any such, let them be exposed to the scorn they merit. But, on the other alleged instance, I must be a little

cation of the perjury of the poor Irish in the examples set them by Members of that House,

more particular. The following are the words ascribed to Mr. B. (see Hansard's Deb. vol. xiii. p. 201.) in the debate of 26th of April, 1825. "The Bishops were in the habit of talking of perjury as a crime not to be heard of without abomination—they declared that truth, sincerity, and frankness, were the essence of religion.—If, then, perjury were criminal, when committed by laymen, it must be ten times more odious when practised by churchmen; and yet, what did these reverend persons do? He would suppose, that a reverend gentleman was about to be inducted into a bishopric of about £4,000 a-year. *He declared in the name of God, that he felt inwardly moved—yes, that he felt inwardly moved, at that moment, by the Holy Ghost, to take upon himself the Office of Bishop, and the administration thereof, and for no other reason.*"

"He could not help thinking, that the Members of that House who took one oath, and the Bishops and Clergy out of doors who took another, were the last persons in the world who should be so exquisitely squeamish with regard to the conduct of the Irish Freeholders, whom they all along treated as if they were the only mortals under Heaven who had ever been guilty of perjury."

Now this foul charge on the highest order of God's ministers amongst us, is absolutely without any foundation whatever. It is pure, unmixed, unmitigated——what shall I call it? The English language has but one word for it, and that is a word which may not be used. But the speaker, we shall be told, did not know that the charge was false. I dare say, that he did not:—he only endeavoured to make *others believe*, that he *knew it to be true*. Whatever difference there may be in the morality of the two cases, he is freely welcome to the full benefit of it.

and by *the Bench of Bishops!*—History will also record, that one of the first Law Officers of the Crown, now filling a high Judicial Station in Ireland, declared on the same occasion, that he “ would not vote for the measure before the “ House, standing alone, because, alone, *it was “ not wanted!* and, until the Catholics were in “ possession of their *rights,*” (that is the word the King’s Attorney General is reported to have used,) “ he would never consent that the “ slightest portion of their *strength, of whatever “ description,* should be taken from them!”

Before the House of Lords the Bill never came: and, if nothing was then done by their Lordships, it ought to be remembered, that the circumstances of the time presented peculiar difficulties to any attempt of theirs to legislate in the matter. Once, indeed, there was a Member of that House, who, in such a cause, would have cast all difficulties behind him; who, in despite of clamour, obloquy, and opposition of every kind, would have stood forth as the guardian and vindicator of outraged morality; would have made every heart thrill with indignation at the bare disclosure of a system so abominable;—what would he have said to the open and deliberate palliation of them?—He would then, if ever, have “ called on the unsul-

“lied sanctity of the Lawn, the purity of the
 “Ermine, to save us from this pollution,—to
 “perform a lustration, — to purify Parliament
 “and the Country from this enormous sin.”

If the same commanding genius must not be again looked for, at least we might have hoped, that in the very Sanctuary of Justice and of Honour, in the Assembly of all that is most illustrious, and all that is most venerable, in the land, some noble or reverend breast would have glowed with the same generous impatience of national disgrace, the same holy zeal for the morals and religion of his country, which was the source of highest inspiration even to the eloquence of Lord Chatham. But we have fallen on degenerate days, when the ancient sternness of British principle is abandoned for a vain-glorious liberality on the one hand, and for a false and dastardly discretion on the other. Were it not so, year after year would not pass away, without one single effort being made to wash out this “damned spot,”—without one single voice being raised in either House of Parliament to denounce this opprobrium of the British name. Is this what might be hoped from an English Legislature—aye, or from the English people? Are we alive to every sin and crime committed in our dependencies across the

Atlantic? Can we take praise to ourselves for what the public voice of Englishmen has effected in redressing the wrongs of negroes, and enforcing the demands of justice and religion in another hemisphere?—and shall we look on for ever, in guilty indifference, while nothing is even attempted, to purge our own laws “of that perilous stuff,” which has poisoned the principles of a whole nation, and cries with trumpet-tongue to Heaven against us?

In the troubled state of Ireland at this very hour, we are tasting some of the bitter fruits of our iniquitous folly. “We have sown the wind, “and we are reaping the whirlwind.” They, who have been seduced into perjury to swell the little miserable importance of an electioneering landlord, have turned on their seducer, and spurned his mandate in obedience to a more powerful Master. Who can lament the righteous retribution?—Meanwhile, the State, which has patiently borne the guilt and shame of conniving at such abominations, is now threatened with the subversion of its most sacred institutions, nay, with all the horrors of civil war, arising mainly out of the unnatural power thus given to a wild and unprincipled multitude, by the permitted perversion of its own laws.

And what, after all, is the reason for bearing

any longer with so pernicious an abuse? Mr. Blake, one of the most temperate as well as ablest of Irish Roman Catholics, has, in his evidence before the Lords,* stated the only plea.—
 “The possession of political power is generally
 “considered as the security which men possess
 “for the due enjoyment of all their rights. If
 “you take away from the forty-shilling free-
 “holders the *right* of voting, you would take
 “away from the mass of the Roman Catholics
 “of Ireland, the great political power which
 “they now possess.”

But this same witness has himself testified, that this alleged *right* is in truth the foulest wrong; that it is bottomed in crime, and perjury, and usurpation of the rights of others. For, be it never forgotten, that the power of the perjured serf is, in truth, the extinction of the power and rights of the lawful freeholder. And can an argument of justice be founded on such a plea? Or can the State hesitate, for a single instant, on the bounden duty, much less the lawfulness, of putting an end, at once, to a system so pregnant with danger as well as crime?

Among the results of such a measure, it might not, perhaps, be the least gratifying, that by

* Lords, p. 164.

restoring political power to its just and constitutional quarter, property, one of the strongest objections to any great diminution of the disabilities of the Roman Catholics, would be removed. But to clog an act of manifest duty with any engagement whatsoever, would be as mischievous, as it would be unbecoming:—it would only encourage wild and extravagant pretension, and take from the boon conferred all the grace of voluntary concession.

But I am getting into matters, foreign to my purpose, and beyond my reach. My chief object has been attained, if I have shown, that our gracious Sovereign's construction of his Royal Oath is as sound in principle, as it is fixed and holy in purpose;—that it forbids him to assent to any measure, which, in his own conscientious judgment, endangers the welfare of the Established Church of England and Ireland, or the rights and privileges of any of its ministers.*—

* Since the preceding sheets were printed, I have read a learned and ingenious pamphlet, entitled “The Coronation Oath considered in reference to the Principles of the Revolution of 1688,” by C. T. Lane, Esq. *Second Edition*. I am happy to have so able a coadjutor, who has, indeed, carried the argument from the “*animus imponentis*” a little further than I am prepared to go.

If to this main subject of my inquiry I have ventured to append some feeble remarks on a great and crying national sin, I shall need no indulgence in those quarters, where only I am anxious to obtain it.

H. P.

February, 1828.

APPENDIX.

CONTENTS.

	PAGE.
A. (p. 55.) On Note in Edinburgh Review, No. LXXV.	293
B. (p. 96.) Calumnious Attack on King Charles I. in Edinburgh Review, No. XCI.	297
C. (p. 141.) No Pledge of Concession given at the Union to the Irish Roman Catholics	303
D. (p. 233.) Dr. Mac Hale, Roman Catholic Coadjutor Bishop of Killala's Examination before the Com- missioners of Education Inquiry in Ireland	314
E. (p. 242.) Nag's Head Fable respecting Archbishop Parker's Consecration	328

NOTE A.

(Page 55.)

Extract from Remarks by the Rev. H. Phillpotts, D.D. on Mr. Jeffrey's Note in No. LXXV. of the Edinburgh Review.

[Published in Blackwood's Magazine, May, 1823.]

I HAVE done with my Reviewer. Of the Editor of the Review something still remains to be said.

He seeks, it seems, to extenuate the injuries of which I have complained. "The charges against Dr. P. in the Review are little more, than that he is a violent political agitator, and had written intemperate pamphlets and addresses." Has then this Editor fallen so low? Can he stoop to the paltry artifice of dissembling, that in the very page from which these charges are selected by him, I am called by implication "a tool of party," "a hireling of government," "a slanderer," "a libeller,"—nay, that in the same paragraph, not by implication, but in broad and express terms, I am denounced to all the world as a "Calumniator?"—And is

this, in his estimation, but a little charge? *He* has, unhappily, too much reason to wish it to be deemed so. But let me remind him of the definition of calumny, given on a memorable occasion in his own Review,* when some of his associates were suffering under the chastisement of a far more powerful hand, than is now raised against himself. "Calumny," we were then truly told, when the honour of a Reviewer required that the imputation of it should be repelled as unwarrantable,—“Calumny is an attack on the moral character, and is grounded in *falsehood*. It may be defined, if we mistake not, a *fictitious recital, made for the purpose of hurting the moral character* of an individual, or a body of individuals.” Is it a trifle, then, that the name of a Christian minister should be branded with such an epithet, through all the wide career of the Edinburgh Review?

The Editor will not say that it is. He is become exquisitely sensitive on this subject :

“ Begins to kick, and fling, and wince,”

“ on seeing his name blazoned in capital letters in all the newspapers and shop windows, in connexion with the charges of falsehood and malignity,” brought against his Review, and of one other charge directed against himself. I am glad that even-handed Justice has done her work so faithfully. The Editor’s own feelings on this occasion, may perhaps give him some lasting touches of remorse, for more than twenty long and guilty years of wanton or wilful disregard of the

* See Edinburgh Review, Vol. XVI. p. 158, under Article entitled “Calumnies against Oxford.”

feelings of others. Let him, in his present mood, look on the catalogue of honourable and distinguished names, which he and his confederates have laboured to make the sport or the victims of their spleen, their arrogance, or their party-fury. Let him reflect on the meanness, as well as the injustice, of abusing the power, which the extensive circulation of his Journal gave him, to "blazon those names" in every quarter to which English literature could reach, "in connection with epithets" scarcely less painful (except that they were, for the most part, unmerited) than those under which he now writhes, with the bitter consciousness that they are deserved. Let him remember, that during so long a period, he has by himself, or his minions, pandared to all the envious and malignant feelings of his readers—used every engine of literary torture that could wound and lacerate ingenuous minds—left unessayed no single gradation of cruelty, from ruffian violence, down to the subtler and safer expedients of mock candour and contemptuous commendation—to establish a despotism of the pen, which, like other despotisms, has ended in destroying itself. Let him read in the indignation, or the pity, of every impartial mind, his own large share in the common ignominy, which has long been thickening around his Band:—And then let him, if he will, affect to hide his shame under the babyish plea, that he did not load the piece, he only primed it and drew the trigger;—in language of his own, that he "*merely superintended or sanctioned the publication!*" and therefore, "*though he might have been legally responsible, he is really at a loss to understand how he could be deemed morally or individually blameable;*"

—that he has, in short, only hired himself out to a bookseller, for some stated hundreds of miserable pelf, to be the midwife and the nurse to every unfathered brood of calumnies, which the malice of his faction shall engender.—If he will, let him talk thus, and persist to defend what he knows is indefensible. But, rather, let him seek, in this his day of deep humiliation, the real benefit, which he ought to draw from it. Let him meditate on the painful contrast of what he is, with what he might have been—and what he yet may be:—And then let him cast off at once the vile slough with which he is encumbered—again stand forth in some ingenuous form, and vindicate anew his title to that high respect, of which no man, but himself, could rob him.—Let him do this, and he will yet have reason to rejoice, that in one, whom he had doomed for his victim, he has found a monitor and a friend.

H. P.

NOTE B.

(Page 96.)

IN the same Number of the Edinburgh Review, which contains the Article "On George III. &c." is one on "Ellis's Original Letters," in which the spirit of that Journal takes occasion to vent itself in certain comments on the character of King Charles I.

Charles had, it seems, written a Letter to Dr. Juxon, Bishop of London, containing "A Case of Conscience." The case is as follows :—

"I need not tell you the many persuasions and threatenings that hath been used to me for making me change Episcopal into Presbyterian Government, which absolutely to do, is so directly against my conscience, that by the grace of God no misery shall ever make me: but I hold myself obliged by all honest means to eschew the mischief of this too visible storm, and I think some kind of compliance with the iniquity of the times may be fit, as my case is, which at another time were unlawful. These are the grounds that have made me think of this inclosed proposition, the which, as one way it looks handsome to us, so in another I am fearful least I cannot make it with a safe conscience; of which I command you to give me your opinion upon your allegiance; conjuring you, that you will deal plainly and freely with me, as you will answer it at the dreadful Day of Judgment.

"I conceive the question to be, whether I may, with a safe conscience, give way to this proposed *temporary compliance*, with a resolution to recover and maintain that doctrine and discipline wherein I have been bred. The duty of my Oath is

herein chiefly to be considered: I flattering myself that this way I better comply with it, than being constant to a flat denial; considering how unable I am by force to obtain that which this way wants not probability to recover, if accepted, (otherwise there is no harm done.) For my regal authority once settled; I make no question of recovering Episcopal government, and God is my witness, my chiefest end in regaining my power, is to do the Church service.

The Reviewer's remark on this is as follows:—

“ We conceive that a greater instance of *perfidy* than this letter discloses, cannot be pointed out in the whole history of intrigues, even among Cardinals and other Romish Priests themselves. Let it be carefully remarked, that the doubt raised in the King's mind, is not whether he can conscientiously *deceive the Presbyterians*, but whether he can, conscientiously towards the Church, give a temporary and seeming acquiescence to its disadvantage. This is plain, &c.” “ So that he never once dreamt of considering whether he was acting a fair, an honest, or *conscientious* part, by the Presbyterians, *in pretending to be against Episcopacy*, and *for Presbytery*, with the secret design of restoring Episcopacy, and putting down Presbytery, which he says, ‘ God is his witness, is his chiefest end in regaining his power.’ The candid and reflecting reader of the above memorable letter cannot well have any doubt as to the measure of the blessed Martyr's conscientious scruples; and, *without any want of Charity*, we must take leave to suspect, that, even the scruples which he puts forward, are fabricated for the occasion, and that his real fears were, lest his apparent compliance, misunderstood, might alienate the Church, while it conciliated the Sectarics.”

Such are the comments of this worthy contributor to Mr. Jeffrey's Review; they evince all the qualifications which fit him for his employment—ignorance, presumption, and malignity.

No one, who has ever at all looked below the surface of the History of Charles's Reign, can need to be informed what must have been the nature of the proposition, on which that unhappy monarch entertained the doubts he here submitted to Bishop Juxon. The date of the letter, "Newcastle, 30th Sept. 1646," is alone sufficient for our purpose. It will be remembered, that on the 24th of July preceding, certain "Propositions of Peace" had been presented to the King, at Newcastle, from the two Houses of Parliament of England, and the Commissioners of Scotland. The principal articles, so far as our present inquiry is concerned, were, "that his Majesty should swear, and sign the late solemn League and Covenant," and "that a Bill be passed for the utter abolishing and taking away of all Archbishops, Bishops, &c. &c. out of the Church of England, and out of the Church of Ireland."

It appears from a paper in Rushworth, (vol. vi. p.328,) dated on the 26th of September, that the King, in conference with the Commissioners, (having, on the preceding day, after refusing to accede to the Propositions presented to him, required, on his part, that "the Church government should be left to his conscience, and those of his opinion,") now offered some concession. "I shall be content," said he, "to restrict it to some few dioceses, as Oxford, Winchester, Bristol, Bath and Wells, and Exeter, leaving all the rest of England freely to the Presbyterian Government."

The letter to Juxon, dated four days afterwards, shows that, in the interval, he had thought of some other expedient; and by looking to the ultimatum, which he gave in on the 18th of May following, we

shall find the furthest limit of concession, to which that letter can, with any shadow of reason (I will not talk of charity to such a censor) be conceived to extend.

May 18, 1647, (Rushworth, vol. vi. p. 487.)—"This day was read in both Houses his Majesty's Letter; in it his Majesty gives answer to the Propositions formerly sent to him at Newcastle. To some he consents in whole, to others in part; to others he saith he cannot consent, and gives reasons. For *the Presbyterian Government, he is willing to have it settled for three years,** and consenteth to ratify the Assembly of Ministers sitting at Westminster, propounding a certain number of his own Ministers to be added to the Assembly, to consider what government to settle after the three years, whether the Presbytery, or some other, and in the mean time, that *he and his own Household may be free to use the old Form, and Common Prayer Book.*"

That the compliance, intimated in the King's Letter of the 30th of September preceding, could not have gone further than this, is, I repeat, quite clear; that it did not go so far, is made probable by the fact, that the Parliament of Scotland, which, to its eternal infamy, sold the confiding Monarch to his murderers, made this the justification of their treachery, that "*he had not given a satisfactory answer to the Propositions.*" (See Declaration of the Kingdom of Scotland, January 16, 1647, (1647-48,) Rushworth, vol. vi. p. 396.) And, on the 28th of January, the King remonstrating with the Scotch Lords for betraying him, "they told his Majesty, that they had considered his speech, and that *since his Majesty had refused to take the Covenant and sign the Propositions, they were to deliver him to the*

* Here we have the "temporary compliance" mentioned in the King's Letter to Juxon.

Commissioners of both Houses of Parliament of England, who were come to attend him to Holmby.

So much for Charles's "*pretending to be against Episcopacy, and for Presbytery.*" But it may be suggested, that perhaps the King's proposition was so intolerably bad, that Bishop Juxon (whom, though a Bishop, this Reviewer will hardly deny to have been an honest man) could not but dissuade him from making it. No; even this plea is not not admissible; for it is quite notorious, that Charles's conscience was more tender on this point, than even that of Juxon and the rest of his divines; they urged and entreated him at the Treaty in the Isle of Wight (November 28, 1648) "to consider the safety of his own person, even for the Church's and his People's sakes, who had some hope still left whilst he should be preserved, which could not but be attended with many blessings: whereas, if he were destroyed, there was scarce a possibility to preserve them: that the moral and unavoidable necessity, that lay upon him, obliged him to do any thing that was not sin: and that upon the most prudential thoughts which occurred to them, the Order, which he, with so much piety and zeal, endeavoured to preserve, was much more like to be destroyed by his not complying, than by his suspending it *till his Majesty and his two Houses should agree upon a future Government*;—which, they said, much differed from an abolition of it."

"Hereupon," says Clarendon,* "he gave them (the Commissioners) his *final* answer,—that after such condescensions, and weighed resolutions, in the business of the Church, he had expected not to be further pressed therein; it being his judgment, and his conscience." He said, "he could not, as he

* Hist. Reb. vol. iii. p. 175, folio.

was then informed, abolish Episcopacy out of the Church; yet because he apprehended how fatal new distractions might be to the kingdom, and that he believed his two Houses would yield to truth, if it were made manifest to them, as he had always declared that he would comply with their demands, if he were convinced in his conscience, he did therefore again desire a consultation of Divines, in the manner he had before proposed, and would in the meantime suspend the Episcopal powers, as well in point of ordination of ministers, as of jurisdiction, *till he, and the two Houses, should agree what Government should be established for the future.*"

These concluding words prove, that the mode by which Charles hoped, if his regal power should be restored, to put down the Presbyterian Form, and to restore Episcopacy, was not a treacherous, but an open and legal proceeding, by the act of a free Parliament, the representative of all the Estates of the Realm, whose power and right to effect the change will hardly be denied even by this very ignorant Reviewer.

The feelings of this person, be he who he may, towards monarchy in general, may be gathered from the following decent remark:—"We doubt if son ever wept less" (than Charles II.) "for death of father, even when he had not *fallen under the hand of public justice*:"—his zeal for justice itself may be estimated by his description of that great public crime, which the laws of the land require us annually to deplore before God and man,—he calls it, with amiable simplicity, "*the deed which was done on the 30th of January.*"

Such are the qualities, moral and intellectual, of those persons, who, under the "sanction and superintendence" of Mr. Jeffrey, aspire to direct public opinion in the Edinburgh Review!

NOTE C.

(Page 141.)

Further Extract from Lord Castlereagh's Speech.

“ THAT Lord Cornwallis never considered any pledge or assurance to have been given, he had the means of proving, beyond the possibility of doubt, from a communication received from that noble lord, in 1801, in reply to inquiries made by himself relative to two papers, which the House will recollect were circulated in Ireland at that time, and which he (Lord Castlereagh) had never seen till they appeared in print: on the contrary, the principle upon which Lord Cornwallis acted was, that the measure, to be either conciliatory or dignified, ought to be the spontaneous and gratuitous act of the united legislature. The memorandum received from Lord Cornwallis, he would, with permission, read.

“ Dublin Castle, March 3, 1801.

“ ‘ MY DEAR LORD,

‘ In answer to the queries stated in your lordship's letter to the Lord Lieutenant of the 26th instant, his Excellency has directed me to inclose to you the statement which accompanies this letter, and which has been prepared according to his Excellency's directions.

‘ I am ever, my dear Lord,

‘ Most truly,

‘ Your Lordship's servant,

‘ E. COOKE.’

‘ Viscount Castlereagh, &c. &c. &c.

MEMORANDUM.

“ When it was notified to the Lord Lieutenant, that Mr. Pitt, Lord Grenville, Lord Spencer, Lord Camden, Mr. Dundas, and Mr. Windham, had requested permission to retire from his Majesty’s councils, upon their not being sanctioned in bringing forward such measures as they thought essential to secure to the empire the full benefit of the Union—the most important of which measures was a concession of further privileges to his Majesty’s Roman Catholic subjects—his Excellency conceived that it was expedient that the Catholic body should have an authentic communication upon a subject so deeply affecting their situation and interests, and so calculated to influence their future conduct. His Excellency had long held it as his private opinion, that the measure intended by those of his Majesty’s ministers who were retiring from office was necessary for securing the connection of Ireland with Great Britain. He had been, however, cautious in his language on the subject, and *had studiously avoided any declaration to the Catholics, on which they could raise an expectation, that their wishes were to be conceded.* Through the whole measure of the Union, which was in discussion for two years, and during which period every effort was made to procure a resistance to the measure on the part of the whole body of the Catholics, *no favourable assurance or promise* was made to them.

“ Their judicious conduct during that trying period confirmed his Excellency in the opinion, that every measure tending to secure their attachment to the em-

pire in future, which they had, in this instance, so essentially served, ought, in true policy, to be attempted.

“ His Excellency did, therefore, recommend it to his chief secretary, who was engaged with his Majesty’s ministers in the course of the summer in England, to second every disposition for effecting the object of the Catholics ; at the same time, he retained a prudential reserve to the Catholics during the progress of the discussions of the cabinet.

“ His Majesty having approved of the solicitation of the majority of his Majesty’s ministers to retire from his Majesty’s councils, and his Excellency having requested that his Majesty would extend to him the same indulgence, it became a matter of public duty for his Excellency to explain to the Catholic body the sentiments which had been held with respect to them, and to inculcate the line of conduct which, in this arduous crisis, it became them to pursue. His Excellency, therefore, being apprized of the sentiment held by Mr. Pitt, did, on the 13th of February, send for Lord Fingal and Dr. Troy, and gave them two Papers to be by them circulated among the principal Catholics in different parts of Ireland.

“ The first, his Excellency felt assured, corresponded with Mr. Pitt’s sentiments ; and the other conveyed his own private sentiments formed on the speeches and conduct of many of the most eminent characters of all parties and distinctions.

“ It being of great importance, that any communication made by his Excellency should not be misunderstood or misinterpreted, and that it should make a due im-

pression, and produce a general good effect, his Excellency preferred a written to a mere verbal communication, which might have been ill reported, and might have been subject to perversion, according to the inclination or capacity of those who should circulate and receive it. His Excellency has seen a happy result from this mode of proceeding. Rumours having been transmitted from England, that the wishes of the Catholics were likely to be acceded to, every ill consequence from their disappointment has been obviated; and there is now every reason to believe, that they will take that line of conduct, which the well-wishers to his Majesty's service and the cause of the empire would desire."

"The House will perceive from this statement, not only that no pledge was given previous to the Union, but that the papers in question, which have been often confounded in point of date with the Union, and been supposed to contain some pledge, were framed and issued in Ireland long after that measure had been effected, without the knowledge or authority of any member of the Government in England. The sentiments contained in one of these Papers (No. 1) Lord Cornwallis knew to be Mr. Pitt's, having been conveyed in a letter from himself (Lord Castlereagh) to his Lordship, which letter was previously seen and approved of by Mr. Pitt, though not expressed precisely in the terms used in the Paper; but that the opinions contained in the second Paper (No. 2) were given to the Roman Catholics simply as his Lordship's own sentiments at the moment, appeared distinctly, not only from the

Memorandum which he had read, but still more pointedly from a correspondence which subsequently took place between Lord Cornwallis and Mr. Plowden (No. 3), with reference to these Papers, in which his Lordship declares, ‘ that he was never authorized, directly or indirectly, by any member of the administration, who then resigned his office, to give a pledge, that he would not again embark in the service of government, except on the terms of the Roman Catholic privileges being obtained.’ ”

PAPERS REFERRED TO IN THE PRECEDING
EXTRACT.

No. 1.

Lord Castlereagh's Communication to Lord Cornwallis.

“ THE leading part of his Majesty's ministers, finding insurmountable obstacles to the bringing forward measures of concession to the Catholic body whilst in office, have felt impossible to continue in administration, under their inability to propose it with the circumstances necessary to carrying the measure with all its advantages, and they have retired from his Majesty's service, considering this line of conduct as most likely to contribute to its ultimate success.

“ The Catholic body will, therefore, see how much their future hopes must depend upon strengthening their cause by good conduct in the meantime. They will prudently consider their prospects, as arising from

the persons who now espouse their interest, and compare them with those which they could look to from any other quarter. They may, with confidence, rely on the zealous support of all those who retire, and of many who remain in office, when it can be given with a prospect of success. They may be assured, that Mr. Pitt will do his utmost to establish their cause in the public favour, and prepare the way for their finally attaining their objects. And the Catholics will feel, that as Mr. Pitt could not concur in a hopeless attempt to force it now, he must, at all times, repress, with the same decision as if he held an adverse opinion, any unconstitutional conduct in the Catholic body.

“ Under these circumstances, it cannot be doubted, that the Catholics will take the most loyal, dutiful, and patient line of conduct—that they will not suffer themselves to be led into measures, which can, by any construction, give a handle to the opposers of their wishes, either to misinterpret their principles, or to raise an argument for resisting their claims; but that, by their prudent and exemplary demeanour, they will afford additional grounds to the growing number of their advocates, to enforce their claims on proper occasions, until their objects can be finally and advantageously attained.”

No. 2.

Sentiments of a sincere Friend to the Catholics,
(Lord Cornwallis.)

“ If the Catholics shall now proceed to violence, or entertain any ideas of gaining their object by convulsive measures, by forming associations with men of jacobinical principles, they must, of course, lose the aid and support of those, who have sacrificed their own situation in their cause, but who would, at the same time, feel it to be their indispensable duty to oppose every thing tending to confusion. On the other hand, should the Catholics be sensible of the benefits they possess, by having so many characters of eminence pledged not to embark in the service of Government, except on the terms of the Catholic privilege being obtained, it is to be hoped, that, on balancing the advantages and disadvantages of their situation, they would prefer a quiet and peaceable demeanour to any line of conduct of an opposite description.”

No. 3.

*Correspondence between Lord Cornwallis and
Mr. Plowden.*

“ Essex Street, 6th April, 1805.

“ MY LORD,

“ Having, by the publication of my *Historical Review of the State of Ireland*, largely committed myself to the present and future generations, I will not dissemble, that I am anxious to preserve, and hand down to posterity, my character free, as I know it to be, from the slightest stain upon its honour, honesty and truth. Ere your Lordship quits this country, I have one request more to make of you, which, as it is an act of justice to the Irish nation and to yourself, I do expect will be attended to. It is merely that your Lordship verify my assertion of your having given the papers mentioned in my *Historical Review*, 3d vol. p. 944, to Doctor Troy, in the presence of Colonel Littlehales. My reason for asking this act of justice at your hands is, in order, that, in your absence, I may effectually repel the charge which has been made to me personally in Downing-street and elsewhere, by members of parliament, calling themselves your Lordship's confidential friends, that you never did give such a pledge to Dr. Troy, nor ever did entertain a sentiment like those which are expressed in that paper. I am encouraged by several of the first characters of this country, to prepare an abridged edition of my work, for more general consultation, and I shall, of course, avail myself

of fresh evidence to confirm what I hope is true, as well as to correct what I should lament was false in the present edition. Your Lordship will not wonder that a certain degree of scepticism has assailed my mind upon coupling in my thoughts some recent appointments with *many characters of eminence, pledged not to embark in the service of government, except on the terms of the Catholic privileges being obtained.* I therefore thought it consistent with the character of a gentleman to present you my works, to write to and to call upon your Lordship. As these intended marks of attention have remain unnoticed, I should think it inconsistent with that character to renew them.

“ I have the honour to be, with all due respect,

“ Your Lordship’s

“ Obedient humble servant,

(Signed) “ FRANCIS PLOWDEN.

“ *The Marquess Cornwallis.*”

Lord Cornwallis’s Answer.

“ Burlington-street, 7th April, 1805.

“ SIR,

“ I have received your letter of yesterday’s date, and I feel no difficulty in giving the most satisfactory answer to it in my power.

“ I have neither a copy nor a distinct recollection of the words of the paper that I gave to Dr. Troy; but this I perfectly well remember, that the paper was hastily given to him by me, to be circulated amongst his friends, with the view of preventing any immediate

disturbances, or other bad effects, that might be apprehended from the accounts that had just arrived from England; and if I made use of the word *pledged*, I could only mean that, in my own opinion, the ministers, by resigning their offices, gave a pledge of their being friends to the measure of Catholic Emancipation; for I can assure you that *I never received authority, directly or indirectly, from any member of administration* who resigned his office, to give a pledge that he would not embark again in the service of government, except on the terms of the Catholic privileges being obtained.

“ Sir,

“ I have the honour to be, &c.

(Signed) “ CORNWALLIS.

“ *Francis Plowden, Esq.*”

From Mr. Plowden.

“ Essex Street, 8th April, 1805.

“ MY LORD,

“ Having given to your Lordship a copy of my History, and, in my letter of the 6th instant, pointed to the page of it which contained that important paper, of which you say that you have neither copy nor a distinct recollection, I take the liberty of inclosing an exact copy of it, from the manuscript of Dr. Troy, in my possession, which led me to believe that it had neither been hastily given, nor insidiously intended to

answer a temporary purpose, or to meet the effects of a flying report.

“ I have the honour to be, with all due respect,

“ Your Lordship’s

“ Obedient humble servant,

(Signed) “ FRANCIS PLOWDEN.

“ *The Marquess Cornwallis.*”

Lord Cornwallis’s Answer.

“ Burlington Street, 9th April, 1805.

“ SIR,

“ I alluded, in my former letter, to a short paper which I gave to Dr. Troy on the morning after the account of the resignations arrived. I have no copies of the papers that you transmitted to me. I do not, however, doubt their authenticity; but of one circumstance I can speak with absolute certainty, viz. that *I had, on no occasion, any authority for making use of the word pledged, but the act of resignation.*

“ I have the honour to be, Sir,

“ &c. &c. &c.

(Signed) “ CORNWALLIS.

“ *Francis Plowden, Esq.*”

NOTE D.

(Page 233.)

Morality of Dr. Mac Hale, Bishop of Maronia.

IN the course of the year 1823, a very able pamphlet, entitled "The Case of the Church of Ireland stated, &c. in reply to the charges of J. K. L.," was published under the signature of "Declan," by the Rev. Mr. Phelan, a distinguished Member of Trinity College, Dublin. The success of this pamphlet, written not only with great eloquence, strength of argument, and historical research, but also with much of moderation and forbearance, in the main, though it occasionally rises into a tone of manly indignation, made it necessary to counteract, if possible, its effect on the public mind by some effort adequate to the occasion. With this view, Mr. Coyne, the principal Roman Catholic bookseller and publisher in Dublin, applied to Dr. Mac Hale, then Professor of Dogmatic Theology, now Bishop of Maronia, *in partibus*, and Coadjutor, *cum jure successionis*, to the Roman Catholic Bishop of Killala. Dr. Mac Hale accepted his proposal, pocketed the honorarium, and engaged to produce an answer to Declan.

But, unfortunately for the bookseller,* when the

* From examination of Mr. Richard Coyne, p. 442—"Did you buy the copyright of it? I did; I gave him £20 for writing the pamphlet. Was it intended to answer any particular work, in writing that pamphlet?—Yes; to serve as a defence of Dr. Doyle, in reply to Mr. Phelan, and to Mr. O'Sullivan. You applied to Dr. Mac Hale to do it?—I did. We

promised work came forth, it was found to contain scarcely a word of reference to Declan, and to be any thing but an answer to that formidable adversary. It was, in truth, a feeble, unargumentative, tiresome, farrago of common-places, enlivened here and there by some matter of a more offensive kind, which the Commissioners of Education Inquiry have deemed of sufficient moment to exercise their curiosity. I will adduce one or two of these passages, not so much on account of their own importance, as to illustrate the simplicity and ingenuousness with which an Irish Roman Catholic Prelate, when the interests of his Church are concerned, gives his testimony *upon oath*, and especially as a specimen of Dr. Mac Hale's robust and sturdy morality. The similar exhibitions of his brethren before the Parliamentary Committees in 1825, will not soon be forgotten.

From page 31 of the "Letters of Hierophilos (Dr. Mac Hale) on the Moral and Political State of Ireland," the Commissioners (page 293.) select the following paragraph, as connected with one of the Right Rev. author's declared topics, "the feelings of the lower ranks towards the higher ones."

presume you intended it as a reply to Mr. Phelan's work, and to Declan?—It was intended as a reply to Mr. Phelan, who was reputed to be the author of the pamphlet signed 'Declan,' and to Mr. O'Sullivan. Are you aware, that neither Mr. Phelan's nor Mr. O'Sullivan's names are mentioned once in the whole pamphlet, and Declan but twice, and no one of the three mentioned in the title page?—I am not aware of it; but I was disappointed in not having a direct answer, and if I had known that it had not been so, I would not have published it. Do you consider it as an answer to Mr. Phelan, or to Mr. O'Sullivan?—*Certainly not.* Do you mean not a perfect answer? *I did not think it an answer such as I contemplated.*

“To convey to the English reader an idea of the humanity of some of our Irish gentry, it will be sufficient to observe, that there are individuals who associate their exertions in preserving the peace with their sportful amusements. *It is a literal fact*, that on the evenings of some of the most tragic days that disgrace our country, these individuals express their horror of shedding human blood by the savage facetiousness of ‘*a fine day’s grouching*.’ In the absence of men of rank, and influence, and integrity, the preservation of the peace is necessarily entrusted to men who are unfit organs to convey the spirit of the laws, and who often trade on their violation.”

“We beg you,” say the Commissioners, “to state your own view of that passage, and *in particular that you would mention any individuals whom you may know to have used such an expression*.”

In answer to this very plain and reasonable enquiry, Dr. Mac Hale is pleased to go into much detail, respecting “the general tendency of his letters, and the circumstances which had an influence on their publication,” especially “the Biblical exhibitions, of which Ireland has been the theatre.” And, besides this, the author insists on “the natural right of repelling unjust aggression;” a right of which “a Professor of the College at Maynooth is not divested,”—“the publications from members of Protestant Universities, denouncing the doctrines of his Church as idolatrous and superstitious”—the presentation of a living worth £1500 per annum to the author of the pamphlet by Declan; concluding with a long citation from his own letters to prove that his “principles are consistent with the duty that every person owes to his sovereign, and also to the laws of his country.” The answer which he thus gives to the plain inquiry of the Commissioners, occupies three pages of very closely printed folio, and must have taken at least

a quarter of an hour in the delivery; but however instructive on other points, it cautiously abstains from giving a single syllable on the particular matter on which he is questioned. In consequence, the Commissioners, after admitting all the rights he claims, find it necessary to remind him what that matter really is—"The last question proposed to you," say they, "had reference merely to the passage relating to the conduct of the magistrates in the country, respecting whom it is there stated as '*a literal fact*, that on the evenings of the most tragic days that disgrace our country, these individuals express their horror of shedding human blood, by the savage facetiousness of "*a fine day's grouching*," the question was to ask you to name the instances you have there referred to."

Dr. Mac Hale.—"The instances, I must say, have now escaped my memory, but I can say also, that I had it from one or more of the *newspapers* of the day; but *as I do not specify any individual, I could not injure personal character.* As to the reflection on the magistracy, I shall appeal to a public fact: that shortly after the present Viceroy came to this country, he instituted an examination into the conduct of the magistracy of the country, and many persons were removed from their situations. I should consider that the Marquis Wellesley would be incapable of removing any person from any official situation on account of any imputations which were not founded in truth; *therefore the observation I have made is justified by reference to the conduct of the Lord Lieutenant.*"

Q.—"Might he not very reasonably have been the cause of their removal from the magistracy for instances of unfitness or delinquency, falling far short of what you have attributed to them in the note; will you explain what you mean by the expression of '*a fine day's grouching*'?"

Dr. M.—“ I have not marked the degree of their delinquency. That some were corrupt, is proved by the fact I have stated. I had seen the expression in one of the newspapers at the time ; it is so long since, that it cannot be wonderful that it should have escaped my memory ; but it was mentioned in one of the newspapers, that they had said, after killing some people, that it was ‘ a fine day’s grouching’ ?”

Q.—“ You have said, that that was a *literal fact* ; surely there are many things mentioned in the newspapers, that are not *literal facts* ?”

Dr. M.—“ *Yes ; but things are not to be rejected as literal facts, because they are mentioned in the newspapers.*”

Here this edifying part of the Bishop of Maronia’s sworn evidence closes.

I proceed to another passage of Hierophilos, on which the Commissioners (p. 300.) question their Right Reverend witness. It is taken from the 33d page of his Letter to Mr. Canning. The passage itself will demonstrate the author’s respect for England, as his examination upon it will tend further to prove the value of his sworn testimony.

“ However, if the opinions of Paley, or some of the other most admired champions of the Church, were fixed for an orthodox standard, the cumbrous Creed of the Establishment would be soon reduced to more than apostolical simplicity.

“ You must therefore easily observe, that amongst the most distinguished Protestants, there is little of conviction in the leading articles of their creed ; and we know, that where the principles of belief are loose, the rule of private or public virtue cannot be rigid. That approbation, then, of every error, which insensibly *creates an indifference to religion, and enervates the vigour of public morals*, must be eventually injurious to society.”

Q.—‘ Pray explain what you mean by “ the approbation of every error ” by the Church of England ? ’

Dr. M.—‘ That *indiscriminate approbation of the sectaries*, which seems to characterize the present state of the Establishment.’

Q.—‘ Did you mean to convey to the readers of the Letters, that there is little of conviction of the truth of the leading articles of their creed among distinguished Protestants ? ’

Dr. M.—‘ Among many distinguished Protestants, I did.’

Q.—‘ Do you not think that Protestants may be as sincerely attached to their opinions, and to their religion, as Roman Catholics ? ’

Dr. M.—‘ In the extensive sense of the word Protestant, it is nothing more than a negative title. Provided one is not a Pagan, in the sense in which we understand the word Protestant, it is sufficient not to be a Catholic, to be a Protestant, &c.

Q.—‘ Does not *this* passage relate, not to Protestants in general, but to *the Established Church in particular*, and is so expressed ? ’

Dr. M.—‘ I will show the Commissioners how I understand the word Protestant, by a reference to other parts of the Letters of Hierophilos, where I give something like what I conceive to be a definition of it in two places. In p. 50 there is this passage, which shows that *I take Protestant in a larger sense, than the Establishment :*’

“ For what is the Protestant religion but a negative system, fashioned to the genius of every clime, and bending to the caprice of every teacher ; incorporating in its creed doctrines the most discordant ; and concealing, by a community of name, sectaries the most irreconcilable ; Episcopalian in England,—rejecting Episcopacy, as Anti-Christian, in Scotland and Geneva,” &c.

‘ Now I will refer to p. 194, to show that I did not confine the word Protestant to the Church of England :’

“ When I am told that the Bible is the religion of Protestants, the word *Protestant* presents an idea of such *unbounded* and intricate meaning, that I must confess it is difficult to comprehend its extent, or unravel its perplexity. The Protestant religion must be true, as the Bible is its sole rule of faith. A member of the Church of England must therefore be right, because the Bible is his rule of faith, and he is a Protestant. The Presbyterian must be right, because the Bible is his rule of faith, and *he* is a Protestant. The Socinian, who shakes the pillars of Revelation, must be right, because the Bible is his rule of faith, and *he* is a Protestant. The Antinomian, who piously absolves his followers from the obligation of the evangelical law, must of course be right, because the Bible is his rule of faith, and *he* is a Protestant. And thus, while infidelity and Popery lie at the opposite extremes, inaccessible to her influence, truth, with the variety of a camelion and the velocity of lightning, beams on each chequered and deformed system that fills up the immense interval.”

‘ It was in *that* sense that I generally used the word Protestant.’

Q.—‘ We beg to direct your attention to the passage that immediately follows the one you have been referring to, in which you sum up the argument thus, (p. 36) : “ *I have thus discussed the religious complexion of the Protestant Establishment at some length.*”—Does it not follow from that phrase, that it is not Protestantism in the abstract, but *the Protestant established Church of these kingdoms*, that is the subject of discussion in the passage referred to in your books ?’

Dr. M.—‘ *It may be.* To give, however, a clear and satisfactory answer to this question, I beg leave to refer the Commissioners to the following passages in pp. 28, 29.’

“ In speaking of the Protestant Establishment, it may be considered in the relation of a religious or political system. If we view it merely under the former complexion, there is no Christian who will think it deserving of his reverence, only* in the same proportion as it reflects the revealed doctrines of Christianity. Under this point of view, its conformity with the doctrines of Christ becomes a subject of fair investigation ; and should it appear that the doctrine of the Establishment has departed widely from that which Christ has revealed, such a religion could not be deemed essential to society ; unless we were to suppose, that error is more favourable than truth to the happiness of mankind, &c. &c.

“ If, on the other hand, we view it as a political establishment, endowed with temporalities, deriving its origin entirely from the legislature, and thus proving by the admission, that it can be dissolved by the authority by which it was created, then we are relieved from the embarrassment that is produced by confounding it with its religious pretensions. We may bring to the subject a mind unawed by the reverence, which a belief in the true religion imposes, and judge of the utility or inutility of the Protestant Establishment, by an impartial view of the benefits which it confers, or the evils of which it is productive.

“ Or, in fine, if we should consider the Protestant Establishment as a religious and political system, united by the legislature, the question will resolve itself into the views already exhibited, since no state can derive support from religion but because it is supposed to be true ; nor is it easily conceived, that any religion of mere state creation can lend to the state by which it was created, any other authority than that which it has received from the state to which it owes its creation.”

‘ I refer to these passages,’ continues Dr. Mac Hale, ‘ because they show that the Protestant Church is viewed under

* Qu. *except.*

different relations. As far as the members of the Established Church form a political body, the word Protestant is understood in that exclusive political sense: as far as they are considered professors of a religious creed, we find them as unsettled in their system of belief as any other Protestants in Europe.'

Such is Dr. Mac Hale's "clear and satisfactory answer" to the very simple question proposed to him. Unluckily, however, he finds the pertinacity of the Commissioners to be proof against all evasion, and accordingly they recur to their inquiry in the following still more precise terms:

"Is it your opinion that it is the tendency of the established religion to lead to that 'indifference about truth or error which extinguishes those moral obligations that mitigate the sway of government, and ennoble the obedience of the subject'?"

In reply, Dr. Mac Hale has again the confidence to try their patience, and to pour forth half a folio page of mere verbiage, which I do not think it necessary to inflict on my readers, as it contains not a single syllable to the purpose. But in answer to their next question, which presses him still closer, finding all further doubles profitless and hopeless, he boldly turns round on his persecutors, tells them that "the interpretation" to be put upon the passage "is the obvious interpretation that the sentences bear,"—that he cares not a straw for any of them. "For my own personal character," says he, "I have no apprehension,—the writings are before the public, and its judgment has been fixed; but the reason of my *delicacy* (a phrase, it seems, which in the modern Hiberno-Romaic signifies the foulest prevarication) arises from my former connection with the College at Maynooth!"

After this, it will not be worth our while to accompany the Commissioners in their further researches into the Letters of Hierophilos. But the worthy author's "delicacy" for Maynooth will be found to merit some additional illustration.

One of the statutes of that College enjoins, that "if any member of it whatever shall publish books or writings, or shall be privy to the publication of them, without the knowledge and approbation of the President, he shall be expelled."* Upon this statute, it was reasonable to ask, whether "the President was, *in point of fact*, aware of the publication of the Letters of Hierophilos;" and to the question so put, Dr. Mac Hale scruples not to answer 'No, he had no official knowledge of it.'—(p. 298.) And yet it appears from his answers a little further on, that *he had presented a copy of the work himself* to the President, as a mark of respect for him as such,—that it was a matter of notoriety that the book was *his*,—and though there was not any judicial knowledge of it, it was as well ascertained nearly, as if he had put his name to it. All this, I say, appears from his own mouth, though in answer to the question, whether, *in point of fact*, the President was aware of the publication, he had, without hesitation, answered 'No, he had no official knowledge of it.'

But let this pass. The Commissioners further ask, whether 'the publication, under the circumstances stated, does not appear to him at variance with that

* Si quis omnium libros scriptave evulgaverit, edentibusve conscius fuerit, Præsiede et inscio et improbante, exigitor.

Statute.' He has again the confidence to answer 'No;' adding, 'I look upon that as a Statute, to the penalty of which I voluntarily exposed myself, without any sort of *moral* violation of the Statute.' 'When I published *without my name*, I incurred no responsibility whatever, nor did I expose the College to any responsibility. The work was anonymous, and it was discretionary with the author, whether he should reveal his name.' 'You consider, then, that a person would be justified in publishing anonymous works under that law?'—'YES.'

'The Commissioners beg now to point your attention, in a particular manner, to three Resolutions, which were all passed by the Trustees of Maynooth, on the 13th of December, 1809, and which must be taken in connection with each other.' One is, "Resolved, that *any member of the College* convicted of writing *anonymous letters on any subject whatever*, whether printed or not, or circulating them in the College or elsewhere, shall be expelled." Another of the Resolutions is, "Resolved, that the introduction of newspapers and other periodical publications amongst the students, has alienated them from the necessary attention to their studies and other duties, and that the President be required to prevent it." Another is, "Resolved, that any student convicted of reading newspapers, magazines, or similar periodical publications, in the prayer, study, or lecture halls, shall be expelled." The question is, whether you do not think that the course you adopted was at variance with that pointed out in those three resolutions,?'—'No, *I do not think it was at all*

at variance with those resolutions. *I wrote those letters upon my own responsibility,*" &c.

'The Commissioners will beg now to direct your attention to another statute:—"If any master or pupil wishes to publish any thing of his writings, let him do that with the consent of the president, *on whom* the trustees are to cast *the responsibility*, if any thing is improperly laid down in those lucubrations." 'Did you consult the president, in pursuance of that Statute, with respect to the publications in question?' 'I mentioned that I did not consult him.' 'Do not you think that the Statute required that you should consult him?' 'If I were to publish any thing *with my name*, the Statute required it.' 'You think that the circumstance of your publishing it without your name left you at liberty to avoid the requisition of the Statute?' 'Just so.' 'Was not its influence likely to be at least as great, if it was circulated amongst the students of that class, it being a matter of notoriety that the Professor was the author of the work, as if his name were actually attached to it?'—"Yes; but that question would seem to suppose, what *I cannot suppose*, that *there was any thing improper* in the letters. *I wrote them from a high sense of duty*, with a conviction that *they would be useful to Religion*, and that there was nothing in them subversive of established order, or injurious to the government: and if I did not give my name, it was from a delicacy of not appearing before the public.'

Here let us pause. We have come, if I mistake not, to something which makes intelligible the monstrous,

and the otherwise unaccountable, mass of insincerity, which has preceded. It turns out, that it was "*a high sense of duty*" which had impelled Dr. Mac Hale to write these letters in defiance of the Statutes of his College, and "*a conviction that they would be useful to Religion.*" In other words, where the interests of his religion are at stake, all other interests, all other duties, must give way. He must become, if necessary for those great objects, absolutely insensible to the plainest meaning of the laws by which he is bound, and to the most obvious dictates of that truth which he had sworn to observe. Such a practical illustration of the principle, that the end sanctifies the means, it is not often our fortune to encounter.

Before we quit this subject, it is but justice to remark, that Dr. Crotty, the President of Maynooth College, does not assent to Dr. Mac Hale's strange interpretation of the Statutes. He considers him as having most palpably and undeniably violated them. And yet it appears, (p. 107), that Dr. Mac Hale had solemnly subscribed an engagement—"most faithfully to keep all and singular the statutes and constitutions of the College, and to do and say nothing intentionally by which the said statutes and constitutions should receive any detriment, or the other pupils be induced to violate or despise them." It further appears, that it is enjoined by the Statutes, that "in order that all the members of the College may thoroughly know what they are bound to do, and avoid, the Statutes be read by the President at the beginning of every Academic year in the Chapel, after the celebration of Mass, and

Solemn Prayer for the assistance of the Holy Ghost."
(p. 104.)

It is under such solemn sanctions, that those laws are set forth which Dr. Mac Hale considers himself at liberty completely to set at nought, whenever what he thinks the interests of his religion require it. And if this be so, it becomes a matter of no light moment to determine whether any oaths can be devised, which are strong enough to bind the conscience of such a man, in opposition to those interests. Now, Dr. Mac Hale, the Bishop of Maronia, be it remembered, is one of the most distinguished, most active, and most influential members of the Irish Roman Catholic Hierarchy. He has been recommended and accepted for the succession to the See of Killala, *since his publication of the letters of Hierophilos*, since he had thus publicly proclaimed himself the inveterate enemy of the Establishment of the Church of England; nay, even since he had dared to instigate his countrymen to open rebellion, since he had boldly urged them, "instead of bending to unavailing complaint, to assert with their swords the common inheritance of freedom."*

* What other construction can be reasonably put on the following passage? "To illustrate more clearly the justice of our cause, let us reverse for a moment the relative condition of Catholics and Protestants; and suppose that the interests of six millions of Protestants were sacrificed to the pride and intolerance of half a million of Catholics; would not the empire ring with the loud and reiterated complaints of injustice? but no; the Protestants, instead of bending to unavailing complaint, would assert with their swords the common inheritance of freedom."—*Hierophilos's Letters*, p. 97. Against the obvious meaning of language like this, I do not attend to the artful explanations of such a witness as Dr. Mac Hale, or to any reference he may be pleased to make to other passages written in a more subdued and cautious tone.

NOTE E.

(Page 242.)

Nag's Head Fable.

THE following is a brief abstract of the fable, and of it's confutation, taken from Archbishop Bramhall's Works, p. 435:

"In the beginning of the reign of James I. between forty and fifty years after the consecration of Archbishop Parker, two Jesuit Priests, Father Talbot and another, put forth the following account of that consecration:

"Having told him the Protestant Doctors who were designed for bishopricks, in the beginning of Queen Elizabeth's reign, had prevailed with Anthony Kitchen, Bishop of Landaff, to give them a meeting at the Nag's Head, in Cheapside, in hope he would ordain them Bishops there. And how the Bishop of Landaff, through Bishop Bonner's threatning, refused, (all which shall be examined and laid open to the view of the world in due order, how it is stuffed with untruth and absurdities.) They add, that "being thus deceived of their expectations, and having no other means to come to their desires, (that is, to obtain consecration,) they resolved to use Mr. Scories help, an apostate religious priest, who having borne the name of Bishop in King Edward the Sixth's time, was thought to have sufficient power to perform that office, especially in such a strait necessity as they pretended. He having cast off, together with his religious habits, all scruple of conscience, willingly went about the matter, which he performed in

this sort; having the Bible in hand, and they all kneeling before him, he laid it upon every one of their heads or shoulders, saying, take thou authority to preach the word of God sincerely. And so they rose up Bishops of the new Church of England."

"So the controversie between them and us is this; they say that Archbishop Parker, and the rest of the Protestant Bishops, in the beginning of Queen Elizabeth's reign, or at least sundry of them, were consecrated at the Nagge's Head, in Cheapside, together, by Bishop Scory alone, or by him and Bishop Barlow, *without sermon, without sacrament, without solemnity*, in the year 1559, (but they know not what day, nor before what publick Notaries,) by a new phantastick form. And all this they, upon the supposed voluntary report of Mr. Neale, (a single malicious spy,) in private to his own party, long after the business, pretended to be done.

"We say Archbishop Parker was consecrated alone at Lambeth, *in the Church*, by four Bishops, authorised thereunto by Commission under the Great Seal of England, *with sermon, with sacrament, with due solemnities*, upon the 17th day of December, anno 1559, before four of the most eminent publick Notaries in England, and particularly the same publick Notary was principal actuary, both at Cardinal Pole's consecration and Archbishop Parker's. And that all the rest of the Bishops were consecrated at other times, some in the same month, but not upon the same day, some in the same year, but not the same month, and some the year following. And to prove the truth of our relation, and

falsehood of theirs, we produce *the Register of the See of Canterbury*, as authentic as the world hath any, *the Registers of the other fourteen Sees* then vacant, all as carefully kept, by sworn officers, as the records of the Vatican itself. We produce *all the Commissions* under the Privy Seal and Great Seal of England. We produce *the rolls or records* of the Chancery; and if the records of the Signet Office had not been unfortunately burned in King James his time, it might have been verified by those also. We produce *an Act of Parliament* express in the point, within seven years after the consecration: We produce all the controverted consecrations *published to the world in print Anno 1572*, three years before Archbishop Parker's death, *whilst all things were fresh in men's memories.*"

To comment on this matter would be superfluous. What must be the sentiments of the Irish prelates respecting their own cause, when they can gravely pretend to give credit to such a miserable fiction, exposed to the scorn of the world two hundred years ago?

The Meeting at the Nag's Head Tavern, which gave rise to this Fable, was merely for the persons who had attended at Bow Church at the confirmation of Parker's Election, to dine together after the ceremony. *Parker himself was not present.*

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